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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केंद्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 8 मई, 1979

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 8th May, 1979

का० आ० 2097.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 79;कान्कीपाडु निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अलीगीनेनी श्रीरामा दत्ता, कोथूरु, तडेपल्ली, तालुक विजयवाड़ा (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उस समयक. सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसूचन में निर्वाचन आयोग एनद्वारा उक्त श्री अलीगीनेनी श्रीरामा दत्ता को संघ के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० आ० प्र०-वि० सं०/79/78(35)]

S.O. 2097.—Whereas the Election Commission is satisfied that Shri Aligineni Sreerama Duta, Kothuru, Tadepalli, Vijaywada Taluk (Andhra Pradesh), a contesting candidate for General Election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 79-Kankipadu constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Aligineni Sreerama Duta to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/79/78(35)]

आदेश

नई दिल्ली, 22 मई, 1979

का० आ० 2098.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1977 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 38-हनमकोण्डा संघीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चाकिना सत्यानारायण, 1988, गैर स्टीट बन्दाकोण्डा

रोड, जनगाँव (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चाकिला सत्यनारायण को संघ के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० आ० प्र० लो० सं० 38/77(7)]

ORDER

New Delhi, the 22nd May, 1979

S.O. 2098.—Whereas the Election Commission is satisfied that Shri Chakkila Satyanarayana, 1-9-88, Bank Street, Wadlakonda Road, Jangaon (Andhra Pradesh), a contesting candidate for general election to the House of the People held in March, 1977 from 38-Hanamconda parliamentary constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chakkila Satyanarayana to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No AP-HP/38/77(7)]

आदेश

नई दिल्ली, 25 मई, 1979

का० आ० 2099.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए समाधारण निर्वाचन के लिए 241-गोह निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नन्वकुमार सिंह, ग्राम तथा पत्तलय भुइँरा, पाना कौब, जिला-गया (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नन्वकुमार सिंह को संघ के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं०/241/77(45)]

ORDER

New Delhi, the 25th May, 1979

S.O. 2099.—Whereas the Election Commission is satisfied that Shri Nand Kumar Singh, Village Post Murera, Thana Kounch, District Gaya, Bihar a contesting candidate for general election to Bihar Legislative Assembly held in June

1977 from 241-Goh constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder.

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Nand Kumar Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/241/77(45)]

आदेश

का० आ०, 2100.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 241-गोह निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरिनन्दन प्रसाद सिंह, ग्राम तेषाव, पत्तलय बड़वां दया गोह जिला औरंगाबाद (बिहार), लोक प्रतिनिधित्व अधिनियम, तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरिनन्दन प्रसाद सिंह को संघ के किसी भी सदन या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं०/241/77(46)]

ORDER

S.O. 2100.—Whereas the Election Commission is satisfied that Shri Hari Nandan Prasad Singh, Village Teyap, P. O. Darwan, Via Goh, District Aurangabad, Bihar, a contesting candidate for general election to Bihar Legislative Assembly held in June 1977 from 241-Goh constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hari Nandan Prasad Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/241/77(46)]

आदेश

नई दिल्ली, 26 मई, 1979

का० आ० 2101.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 73-बेतीपट्टी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री लाल मोहन अकेला, ग्राम ब पोस्ट—चौड़िका, जिला मधुबनी, बिहार, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है

और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री लाल मोहन अकेला को संघ के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/73/77(47)]

ORDER

New Delhi, the 26th May, 1979

S.O. 2101.—Whereas the Election Commission is satisfied that Shri Lal Mohan Akela, Village and Post Lorika, District Madhubani, Bihar a contesting candidate for general election to Bihar Legislative Assembly held in June, 1977 from 73-Benipatti constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Lal Mohan Akela to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/73/77(47)]

आदेश

नई दिल्ली, 28 मई, 1979

का० प्रा० 2102 :—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 132-जोकीहट निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नूरजमा, अररिया कोर्ट, पोस्ट-अररिया, जिला—पूर्णिमा (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोषित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नूरजमा को संघ के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/132/77(48)]

ORDER

New Delhi, the 28th May, 1979

S.O. 2102.—Whereas the Election Commission is satisfied that Shri Noorzama, Araria Court, Post Araria, District Purnea, Bihar a contesting candidate for general election to Bihar Legislative Assembly held in June, 1977 from 132-Jokihat constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Noorzama to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/132/77(48)]

आदेश

का० प्रा० 2103.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 78-मधुबनी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामनन्दन मिश्र, ग्राम जगतपुर (बरैया टोल) भाया मधुबनी, जिला-मधुबनी, बिहार लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोषित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामनन्दन मिश्र को संघ के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/78/77(49)]

ORDER

S.O. 2103.—Whereas the Election Commission is satisfied that Shri Ram Nandan Mishra, Village Jagatpur (Baraiya Tol) Via Madhubani, District Madhubani, Bihar a contesting candidate for general election to the Bihar Legislative Assembly held in June 1977 from 78-Madhubani constituency has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Nandan Mishra to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/78/77(49)]

आदेश

का० प्रा० 2104.—यतः निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 54-पाहेबगंज निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिवप्रसाद राय, ग्राम लुखपरा, पोस्ट आफिम सनारिन, जिला—मुजफ्फरपुर, बिहार, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोषित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शिव प्रसाद राय को संघ के किसी भी सदन

के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करना है।

[सं० बिहार-वि०सं०/54/77 (50)]

ORDER

S.O. 2104.—Whereas the Election Commission is satisfied that Shri Shiv Prasad Rai, Village Rup Chhapra, P.O. Manain District, Muzaffarpur, Bihar a contesting candidate for general election to the Bihar Legislative Assembly held in June, 1977 from 54-Sahebganj constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shiv Prasad Rai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/54/77(50)]

आदेश

क्र० आ० 2105.—यतः, निर्वाचन आयोग का यह समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 133-बहादुरगंज निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सूर्यनारायण सिंह, ग्राम व पोस्ट-दिघल बैंक, जिला पूर्णिया, बिहार, लोक प्रतिनिधित्व अधिनियम, 1951, तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सूर्यनारायण सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है।

[सं० बिहार-वि०सं०/133/77(54)]

ORDER

S.O. 2105.—Whereas the Election Commission is satisfied that Shri Surya Narain Singh, Village Post Dighalbank, District Purnea, Bihar a contesting candidate for general election to the Bihar Legislative Assembly held in June, 1977 from 133-Bahadurganj constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Surya Narain Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/133/77(54)]

आदेश

नई दिल्ली, 2 जून, 1979

क्र० का० 2106.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उड़ीसा विधान सभा के लिए साधारण निर्वाचन के लिए 47-अथगढ़ निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रबिनारायण मोहन्ती, मूकाम डाक० तिमिरिया, जिला कटक (उड़ीसा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रबिनारायण मोहन्ती को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करना है।

[सं० 76/उड़ीसा-वि०सं०/47/77]

ORDER

New Delhi, the 2nd June, 1979

S.O. 2106.—Whereas the Election Commission is satisfied that Shri Rabinarayan Mohanty, At P.O. Tigiria, District Cuttack (Orissa) a contesting candidate for general election to the Legislative Assembly held in June, 1977, from 47-Athgarh constituency has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rabinarayan Mohanty to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. 76/OR-LA/47/77]

आदेश

नई दिल्ली, 5 जून, 1979

क्र० आ० 2107.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 37-रामपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कल्याण सिंह, ग्राम नईमगंज, तहसील महर, जिला रामपुर (उत्तर प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कल्याण सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है।

[सं० उ०प्र०-वि०सं०/37/77(17)]

New Delhi, the 5th June, 1979

गृह मंत्रालय

(कानून और प्रशासनिक सुधार विभाग)

प्राप्ति

नई दिल्ली, 11 जून, 1979

S.O. 2107.—Whereas the Election Commission is satisfied that Shri Kalyan Singh, Village Naimganj, Tahsil Sadar, District Rampur (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 37-Rampur constituency has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kalyan Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/37/77(17)]

नई दिल्ली, 7 जून, 1979

कां.प्रा. 2108.—यस, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 38-बिलासपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मंजू, ग्राम जालफ नगला, डा० मिलक, जिला रामपुर (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्यून बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे है;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मंजू को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ०प्र०-वि०स०/38/77(18)]

आदेश से,

वी० नागसुब्रामण्यन, सचिव

New Delhi, the 7th June, 1979

S.O. 2108.—Whereas the Election Commission is satisfied that Shri Manju, Village Jalaf Nagla, P.O. Milak, District Rampur (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 38-Bilaspur constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder.

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Manju to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/38/77(18)]

By Order.

V. NAGASUBRAMANIAN, Secy.

कां.प्रा. 2109.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उर धारा (1) के द्वारा प्रदान शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उत्तर प्रदेश सरकार की सहमति से एतद्वारा, आगरा किले के गोस्टन पेवेलियन ग्राम महल में सोने का मूल्यमा चक्री ताबे की चद्दरों तथा कपड़ों के हटाए जाने की इकती के संबंध में उत्तर प्रदेश राज्य के पुलिस स्टेशन, सत्र आगरा में दर्ज किए गए अपराध संख्या 4 दिनांक पहली जनवरी, 1979 के सम्बन्ध में भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 395 तथा 379 के अधीन दण्डनीय अपराधों तथा उक्त अपराध के सम्बन्ध में या उससे संबंधित प्रयत्नों, दुप्रेरणों और षड्यंत्रों तथा उन्हीं तथ्यों से उत्पन्न हुई उसी संश्लेषण के दौरान किए गए किसी अन्य अपराध का अन्वेषण करने के लिए, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों एवं अधिकारिता का समस्त उत्तर प्रदेश राज्य में विस्तार करती है।

[संख्या 228/4/79-ए०वी०डी० (ii)]

टी०के० सुब्रामणियन, सचिव

MINISTRY OF HOME AFFAIRS

(Department of Personnel and Administrative Reforms)

ORDER

New Delhi, the 11th June, 1979

S.O. 2109.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the Government of the State of Uttar Pradesh hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of offences punishable under sections 395 and 379 of Indian Penal Code, 1860 (45 of 1860), and attempts, abetments and conspiracies in relation to or in connection with, the said offence and any other offence committed in the course of same transaction, arising out of the same facts in regard to Crime No. 4 dated the 1st January 1979 registered at the Police Station Sadar Agra in the State of Uttar Pradesh relating to the dacoity pertaining to the removal of gold coated copper sheets and pinnacles from the golden pavilion Khas Mahal, Agra Fort.

[No. 228/4/79-AVD. III]

T. K. SUBRAMANIAN, Under Secy.

विन मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 28 मई, 1979

प्राय-कर

कां.प्रा. 2110.—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (4) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, भारत सरकार के राजस्व विभाग की दिनांक 29 जून 1978 की अधिसूचना सं० 2371 (फा०सं० 404/104/78-प्रा० क०सं०क०) में निम्नलिखित संशोधन करती है, अर्थात्, उक्त अधिसूचना में "श्री एन०सी० शर्मा और श्री लाभ सिंह" शब्दों के स्थान पर "श्री लाभ सिंह" शब्द और प्रत्यक्ष प्रतिस्थापित किये जायेंगे।

[सं० 2830/फा०सं० 404/113 (क०व०अ०-रोहतक)/79-प्रा०क०सं०क०]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 28th May, 1979

INCOME TAX

S.O. 2110.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Department of Revenue No. 2371 (F. No. 404/104/78-ITCC) dated 29-6-78 namely: In the said Notification for the words "S/Shri N. C. Sharma and Labh Singh" the words and letters "Shri Labh Singh" shall be substituted.

[No. 2830/F. No. 404/113 (TRO-Rohitak)/79-ITCC]

का०प्रा० 2111.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप खण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री एस०एस० पांडे को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अधीन कर बसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री एस०एस० पांडे द्वारा कर बसूली अधिकारी के रूप में कार्यभार संभालने की तारीख से लागू होगी।

[सं० 2828/का०सं० 404/113 (का०व०अ०-रोहतक)/79-अ०क०य०क०]

एच० वेंकटरामन, उप सचिव

S.O. 2111.—In pursuance of sub-section (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri S. S. Pandey being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri S. S. Pandey takes over charge as Tax Recovery Officer.

[No. 2828/F. No. 404/113 (TRO-Rohitak)/79-ITCC]

H. VENKATARAMAN, Dy. Secy.

(प्राधिकृत कार्य विभाग)

(बैंकिंग विभाग)

नई दिल्ली, 28 मई, 1979

का०प्रा० 2112.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और भारतीय स्टेट बैंक के परामर्श से निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का नाम कृष्णा ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि सन्तर्भ से अन्यथा अपेक्षित न हो—

(क) 'अधिनियम' से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) 'बैंक' से कृष्णा ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ है, जो उनके अधिनियम में है।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या :—एक वर्ष में बोर्ड के कम से कम छः अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन :—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जायगा।

5. अधिवेशनों का स्थान :—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची :—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जायेगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निम्नलिखित विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जाएगी।

7. बोर्ड का विशेष अधिवेशन :—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से एकत्रित दिन के भीतर ही बुलाया जायगा।

8. अधिवेशन के लिए गणपूर्ति (कॉरम) :—बोर्ड के अधिवेशन के लिए गणपूर्ति चार की होगी।

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबंध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार-विमर्श में भाग लेने के अलावा, मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन :—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश-दिन न हो, उसी समय और उसी स्थान के लिए स्वतः स्थगित हो जाएगा।

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष, जिस तारीख तक के लिए अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार :—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कार्यों के परिचालन द्वारा निदेशकों (धारम से बाहर गये निदेशकों से भिन्न) को निर्दिष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार

प्रभावी और प्रावधानों द्वारा मानों के कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अंतिम हस्ताक्षरकर्ता ने हस्ताक्षर किये हैं।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संसूचित किया जाएगा।

(5) कार्यों के परिचालन द्वारा किसी प्रश्न पर किए गए सभी निर्णयों को अधिलेख के लिए अति अधिवेशन में रखा जाएगा।

11. कारबार के अधिलेख —(1) (क) बोर्ड के अधिवेशनों के कार्यवृत्तों की पुस्तकों (जिन्हें हमसे इसके पश्चात् कार्यवृत्त पुस्तक कहा गया है) में रखा जाएगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसने अधिवेशन की अध्यक्षता की हो, द्वारा प्राधिकारित या हस्ताक्षरित किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अधिलेख के अन्तिम पृष्ठ पर तारीख डाली जायेगी।

(2) प्रत्येक अधिवेशन को समाप्ति के पश्चात् यथा पीछे इन कार्यवृत्तों की प्रतियां प्रत्येक निदेशकों को भेजी जायेंगी।

(3) जब कोई कारबार कार्यों के परिचालन द्वारा किया जाए तो इस प्रकार किए गए कारबार के अधिलेख को अध्यक्ष द्वारा हस्ताक्षरित किया जायगा और कार्यवृत्त पुस्तक में उसकी प्रविष्टि की जायेगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पृष्ठ के लिए, अगले अधिवेशन में रखे जाएंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबंधों के अनुसार रखे जाएंगे, उनमें अभिलिखित कार्यवाहियों का माध्य होंगे।

[सं० एक० 14/79-प्रार०प्रार०बी० (1)]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 28th May, 1979

S.O. 2112.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and State Bank of India, hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Krishna Gramscena Bank (Meetings of Board) Rules, 1979.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires:

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Krishna Gramscena Bank;

(c) word and expressions used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in the Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each director.

7. Special meeting of the Boards.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four. Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place:

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meeting of the Board shall be kept in books (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialled or signed by the Chairman or the director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each direction as soon as possible after every meeting.

(3) When a business is transacted by circulation of paper, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

[No. F. 14-3/79-RRB(1)]

कां० 2113.— प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और देना बैंक के परामर्श से निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का नाम कच्छ ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

(क) 'अधिनियम' से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) 'बैंक' से कच्छ ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ हैं, जो उनके अधिनियम में हैं।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या :—एक वर्ष में बोर्ड के कम से कम छः अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन :—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जायगा।

5. अधिवेशनों का स्थान :—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची :—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जायगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निमित्त विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए अस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जाएगी।

7. बोर्ड का विधेय अधिवेशन :—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से एकसौ दिन के भीतर ही बुलाया जायगा।

8. अधिवेशन के लिए गणपूर्ति (कोरम) :—बोर्ड के अधिवेशन के लिए गणपूर्ति चार की होगी :

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबंध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार-विमर्श में भाग लेने के अलावा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन :—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश-दिन न हो, उसी समय और उसी स्थान के लिए स्वतः स्थगित हो जाएगा :

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष, जिस तारीख तक के लिए अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार :—(1) यदि अध्यक्ष ऐसा निदेश दे, जो बोर्ड द्वारा किये जाने वाले कारबार की कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निविष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार प्रभावी और प्राबल्यकर होगा मानों ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अंतिम हस्ताक्षरकर्त्ता ने हस्ताक्षर किये हों।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संसूचित किया जायगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किए गए सभी निर्णयों को अभिलेख के लिए अगले अधिवेशन में रखा जायगा।

11. कारबार के अभिलेख :—(1) (क) बोर्ड के अधिवेशनों के कार्यवृत्तों की पुस्तकों (जिन्हें हममें इसके पश्चात कार्यवृत्त पुस्तक कहा गया है) में रखा जाएगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसने अधिवेशन की अध्यक्षता की हो, द्वारा आस्थापित या हस्ताक्षरित किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जायगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात यथाशीघ्र इन कार्यवृत्तों की प्रतिया प्रत्येक निदेशकों को भेजी जायगी।

(3) जब कोई कारबार कागजों के परिचालन द्वारा किया जाय तो इस प्रकार किए गए कारबार के अभिलेख को अध्यक्ष द्वारा हस्ताक्षरित किया जायगा और कार्यवृत्त पुस्तक में उसकी प्रविष्टि की जाएगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिए अगले अधिवेशन में रखे जाएंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबन्धों के अनुसार रखे जाएंगे, उनमें अभिलिखित कार्यवाहियों का साक्ष्य होंगे।

[सं० एफ० 14-3/79-आर आर की (2)]

S.O. 2113.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government after consultation with the Reserve Bank of India and Dena Bank, hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Kutch Gramin Bank, (Meetings of Board) Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Kutch Gramin Bank.

(c) words and expressions used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in the Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of Meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in books (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialled or signed by the Chairman of the Director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

[No. F. 14-3/79-RRB(2)]

का० प्रा०. 2114—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और स्टेट बैंक आफ़ सौराष्ट्र के परामर्श से निम्नलिखित नियम बनाती है अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का नाम जामनगर ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि मन्वर्ध से अथवा प्रवेक्षित न हो,—

(क) अधिनियम से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) "बैंक" से जामनगर ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ हैं, जो उनके अधिनियम में हैं।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या.—एक वर्ष में बोर्ड के कम से कम छः अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन.—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जाएगा।

5. अधिवेशनों का स्थान.—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची.—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जाएगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निमित्त विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जाएगी।

7. बोर्ड का विशेष अधिवेशन.—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से इसकोन दिन के भीतर ही बुलाया जाएगा।

8. अधिवेशन के लिए गणपूर्ति (कोरम).—बोर्ड के अधिवेशन के लिए गणपूर्ति चार की होगी :

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबन्ध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार-विमर्श में भाग लेने के अलावा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन.—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन मार्क-जैनिक अवकाश-दिन हो, तो उससे अगले दिन, जो मार्कजैनिक अवकाश-दिन न हो, उसी समय और उसी स्थान के लिए स्वतः स्थगित हो जाएगा :

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष, जिस तारीख तक के लिए अधिवेशन स्थगित हों, उससे पूर्व उस निदेशक को वह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार.—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निदिष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार प्रभावी और आबद्धकर होगा मानों ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अन्तिम हस्ताक्षरकर्ता ने हस्ताक्षर किये हों।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संसूचित किया जाएगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किए गए सभी निर्णयों को अभिलेख के लिए अगले अधिवेशन में रखा जाएगा।

11. कारबार के अभिलेख.—(1) (क) बोर्ड के अधिवेशनों के कार्य-वृत्तों की पुस्तकों (जिन्हें इसमें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया है) में रखा जाएगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति अध्यक्ष अथवा निदेशक जिसने अधिवेशन की अध्यक्षता की हो, द्वारा आक्षेपित या हस्ताक्षरित

किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जायेगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथाशीघ्र इन कार्य-वृत्तों की प्रतियाँ प्रत्येक निदेशकों को भेजी जायेंगी।

(3) जब कोई कारबार कागजों के परिचालन के द्वारा किया जाए तो इस प्रकार किए गए कारबार के अभिलेख की अध्यक्ष द्वारा हस्ताक्षरित किया जाएगा और कार्यवृत्त-पुस्तक में उसकी प्रविष्टि की जाएगी।

(4) प्रत्येक अधिवेशन की कार्यवृत्त पुष्टि के लिए अगले अधिवेशन में रखे जाएंगे।

(5) अधिवेशनों के वे कार्यवृत्त जो इन नियमों के उपबन्धों के अनुसार रखे जाएंगे, उनमें अभिलिखित कार्यवाहियों का साक्ष्य होंगे।

[सं० एफ० 14-3/79-आर० आर० बी० (3)]

S.O. 2114.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and State of Saurashtra hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Jamnagar Gramin Bank (Meetings of Board) Rules, 79.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Jamnagar Gramin Bank;

(c) words and expressions used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in the Act.

3. Minimum number or meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meeting.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the Meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in books (hereinafter referred to as the Minutes book).

(b) Every page of the Minutes Book shall be initialled or signed by the Chairman of the Director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

[No. F. 14-3/79-RRB(3)]

का० प्रा० 2115.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और बैंक ऑफ बड़ोदा के परामर्श से निम्नलिखित नियम बनाती है अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का नाम मरुधर क्षेत्रीय ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) 'अधिनियम' से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) 'बैंक' से मरुधर क्षेत्रीय ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ है, जो उनके अधिनियम में हैं।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या.—एक वर्ष में बोर्ड के कम से कम छः अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन.—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जाएगा।

5. अधिवेशनों का स्थान.—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची.—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जाएगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निमित्त विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए आवश्यक कारबार की सूची उक्त सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जाएगी।

7. बोर्ड का विशेष अधिवेशन.—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से इसकीस दिन के भीतर ही बुलाया जाएगा।

8. अधिवेशन के लिए गणपूर्ति (कोरम).—बोर्ड के अधिवेशन के लिए गणपूर्ति चार की होगी :

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबन्ध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचारविमर्श में भाग लेने के अलावा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन.—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक-अवकाश दिन न हो, उसी समय और उसी स्थान के लिए स्वतः स्थगित हो जाएगा :

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष, जिस तारीख तक के लिए अधि-

वेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गण-पूति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार.—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निदिष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेख्यबद्ध किये हों, उसी प्रकार प्रभावी और आबद्धकर होगा मानों ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अन्तिम हस्ताक्षर-कर्ता ने हस्ताक्षर किए हों।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संसूचित किया जाएगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किए गए सभी निर्णयों को अभिलेख के लिए अगले अधिवेशन में रखा जाएगा।

11. कारबार के अभिलेख.—(1) (क) बोर्ड के अधिवेशनों के कार्य-वृत्तों की पुस्तकों (जिन्हें इसमें इनके पश्चात् कार्यवृत्त पुस्तक कहा गया है) में रखा जाएगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसने अधिवेशन की अध्यक्षता की हो, द्वारा आबद्धकृत या हस्ताक्षरित किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जायगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथाशीघ्र इन कार्य-वृत्तों की प्रतियां प्रत्येक निदेशकों को भेजी जायेंगी।

(3) जब कोई कारबार कागजों के परिचालन द्वारा किया जाए तो इस प्रकार किए गए कारबार के अभिलेख की अध्यक्ष द्वारा हस्ताक्षरित किया जाएगा और कार्यवृत्त-पुस्तक में उसकी प्रविष्टि की जाएगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिए अगले अधिवेशन में रखे जाएंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबन्धों के अनुसार रखे जाएंगे, उनमें अभिलिखित कार्यवाहियों का साक्ष्य होंगे।

[सं० एफ० 14-3/79-प्रार० प्रार० बी (4)]

S.O. 2115.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and Bank of Baroda, hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Marudhar Kshetriya Gramin Bank (Meetings of Board) Rules, 79 (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Marudhar Kshetriya Gramin Bank;

(c) words and expressions used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in the Act.

3. Minimum Number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meetings and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified in him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-two days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four:

Provided that where by reason of the provision of subsection (4) of section 14 of the Act any director is unable to be part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place:

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in books (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialled or signed by the Chairman or the Director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business/transaction by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

[No. F. 14-3/79-RRB(4)]

का० आ० 2116.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और सेंट्रल बैंक ऑफ इंडिया के परामर्श से निम्नलिखित नियम बनाती है, अर्थात्—

1. गृहीत नाम और प्रारंभ.—(1) इन नियमों का नाम मधुबनी श्रेणीय ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) 'अधिनियम' से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) 'बैंक' से मधुबनी श्रेणीय ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वहाँ अर्थ है, जो उनके अधिनियम में है।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या—एक वर्ष में बोर्ड के कम से कम छ. अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का सयोजन—अधिवेशनों का सयोजन बोर्ड के अध्यक्ष द्वारा किया जायेगा।

5. अधिवेशनों का स्थान—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जायेगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निमित्त विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए प्रस्तावित कारबार की सूची उस सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जाएगी।

7. बोर्ड का विशेष अधिवेशन—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से इक्कीस दिन के भीतर ही बुलाया जायेगा।

8. अधिवेशन के लिए गणपूर्ति (कोरम)—बोर्ड के अधिवेशन के लिए गणपूर्ति चार की होगी।

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उल्लेख के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार-विमर्श में भाग लेने के अनायास मन देने में अशक्त हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश-दिन न हो, उसी समय और उसी स्थान के लिए स्थगित हो जायेगा।

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष, जिस तारीख तक के लिए अधिवेशन स्थगित हो, उस से पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निदिष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार प्रभावी और आबद्ध होगा मानो ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अन्तिम हस्ताक्षर-कर्ता ने हस्ताक्षर किये हों।

(4) यदि कोई मामला परिचालित किया जाना है तो उस परिचालन परिणाम से सभी निदेशकों को संयुक्त किया जायेगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किए गए सभी निर्णयों की अभिलेख के लिए अगले अधिवेशन में रखा जायेगा।

11. कारबार के अभिलेख—(1) (क) बोर्ड के अधिवेशनों के कार्यवृत्तों की पुस्तकों (जिन्हें हममें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया है) में रखा जायेगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथाम्यति, अध्यक्ष अथवा निदेशक जिनके अधिवेशन की अध्यक्षता की हो, द्वारा आख्यसहित या हस्ताक्षरित किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जायेगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथा शीघ्र इन कार्यवृत्तों की प्रतियां प्रत्येक निदेशकों को भेजी जायेगी।

(3) जब कोई कारबार कागजों के परिचालन द्वारा किया जाए तो इस प्रकार किए गए कारबार के अभिलेख की अध्यक्ष द्वारा हस्ताक्षरित किया जायेगा और कार्यवृत्त पुस्तक में उसकी प्रविष्टि की जायेगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पृष्ठ के लिए अगले अधिवेशन में रखे जायेंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबन्धों के अनुसार रखे जायेंगे उनमें अभिलिखित कार्यवाहियों का साक्ष्य होंगे।

[सं. एक 14-3/79-आर०आर०बी(5)]

S.O. 2116.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and Central Bank of India, hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Madhubani Kshetriya Gramin Bank (Meetings of Board) Rules, 79.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Madhubani Kshetriya Gramin Bank;

(c) words and expressions used herein and not defined but defined in the Act, have the meanings, respectively, assigned to them in the Act

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the Bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum,

then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in books (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be intialled or signed by the Chairman or the Director, as the case may be who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

[No. F. 14-3/79-RRB(5)]

का० आ० 2117 :—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और पंजाब देशगत बैंक के परामर्श से निम्नलिखित नियम बनाती है, अर्थात् :—

1. शीर्षक तथा शीर्षक प्रारंभ :—(1) इन नियमों का नाम तादन्ता ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये नियमों में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि मन्त्रों से अन्यथा प्रेषित न हो,—

(क) 'अधिनियम' से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) 'बैंक' से तादन्ता ग्रामीण बैंक अधिनियम है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ हैं, जो उनके अधिनियम में हैं।

3. बोर्ड के अधिवेशन की न्यूनतम संख्या :—एक वर्ष में बोर्ड के कम से कम छ. अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जायेगा।

5. अधिवेशनों का स्थान—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिपूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड, विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जायेगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक की अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निमित्त विनिर्दिष्ट पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जायेगी।

7. बोर्ड का विशेष अधिवेशन (1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से इक्कीस दिन के भीतर ही बुलाया जाएगा।

8. अधिवेशन के लिए गणपूर्ति (कोरम)—बोर्ड के अधिवेशन के लिए गणपूर्ति चार की होगी :

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबन्ध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार-विमर्श में भाग लेने के अलावा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सकता हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश-दिन न हो, उसी समय और उसी स्थान के लिए स्वतः स्थगित हो जाएगा।

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष जिस तारीख तक के लिए अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार (1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार के कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निर्दिष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार प्रमाणी और आवश्यक होगा मानों ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा भारत कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अन्तिम हस्ताक्षरकर्ता ने हस्ताक्षर किये हों।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संसूचित किया जाएगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किए गए सभी निर्णयों को अभिलेख के लिए अगले अधिवेशन में रखा जाएगा।

11. कारबार के अभिलेख (1) (क) बोर्ड के अधिवेशनों के कार्यवृत्तों की पुस्तकों (जिन्हें इसमें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया है) में रखा जाएगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसने अधिवेशन की अध्यक्षता की हो, द्वारा आक्षेपित या हस्ताक्षरित किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जाएगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथाशीघ्र इन कार्यवृत्तों की प्रतियां प्रत्येक निदेशकों को भेजी जायेंगी।

(3) जब कोई कारबार कागजों के परिचालन द्वारा किया जाए तो इस प्रकार किए गए कारबार के अभिलेख की अध्यक्ष द्वारा हस्ताक्षरित किया जाएगा और कार्यवृत्त-पुस्तक में उसकी प्रविष्टि की जाएगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिए अगले अधिवेशन में रखे जायेंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबन्धों के अनुसार रखे जायेंगे, उनमें अभिलिखित कार्यवाहियों का साथ होंगे।

[सं० एफ० 14-3/79 आर० आर० बी (6)]

S.O. 2117.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and Punjab National Bank hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Nalanda Gramin Bank (Meetings of Board) Rules, 1979.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Nalanda Gramin Bank;

(c) words and expressions used herein and not defined but defined in the Act have the meanings, respectively assigned to them in the Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the Meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each Director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business (1) (a) The minutes of the meeting of the Board shall be kept in books (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialled or signed by the Chairman or the Director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of the rules shall be evidence of proceedings recorded therein.

[No. F. 14-3/79-RRB(6)]

कां० प्रा० 2118—प्रदेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और बैंक ऑफ इंडिया के परामर्श से निम्नलिखित नियम बनाती है, अर्थात्—

1 संक्षिप्त नाम और प्रारम्भ (1) इन नियमों का नाम सिंहभूम क्षेत्रीय ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

(क) 'अधिनियम' से में एतिहासिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) 'बैंक' से सिंहभूम क्षेत्रीय ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ है, जो उनके अधिनियम में है।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या—एक वर्ष में बोर्ड के कम से कम छः अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जाएगा।

5. अधिवेशनों का स्थान—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिभूत क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन का सूचना तथा कारबार की सूची—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जाएगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निमित्त विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जाएगी।

7. बोर्ड का विशेष अधिवेशन—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से इक्कीस दिन के भीतर ही बुलाया जाएगा।

8. अधिवेशन के लिए गणपूर्ति (कोरम) बोर्ड के अधिवेशन के लिए गणपूर्ति चार की होगी :

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबन्ध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार विमर्श में भाग लेने के अलावा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन—यदि कोई का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सकता हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश-दिन न हो, उसी समय और उसी स्थान के लिए स्वतः स्थगित हो जाएगा।

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष, जिस तारीख तक के लिए अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निविष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार प्रभावी और आबद्ध होना मानों ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अन्तिम हस्ताक्षरकर्ता ने हस्ताक्षर किये हों।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संसूचित किया जाएगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किए गए सभी निर्णयों को अभिलेख के लिए अगले अधिवेशन में रखा जाएगा।

11. कारबार के अभिलेख—(1)(क) बोर्ड के अधिवेशनों के कार्य-वृत्तों की पुस्तकों (जिन्हें इसमें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया है) में रखा जाएगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसने अधिवेशन की अध्यक्षता की हो, द्वारा आबद्धित या हस्ताक्षरित किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्य-वाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जाएगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथा शीघ्र इन कार्य-वृत्तों की प्रतियाँ प्रत्येक निदेशकों को भेजी जायेंगी।

(3) जब कोई कारबार कागजों के परिचालन द्वारा किया जाए तो इस प्रकार किए गए कारबार के अभिलेख को अध्यक्ष द्वारा हस्ताक्षरित किया जायेगा और कार्यवृत्त-पुस्तक में उसकी प्रविष्टि की जाएगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिए अगले अधिवेशन में रखे जाएंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबन्धों के अनुसार रखे जाएंगे, उनमें अभिलिखित कार्यवाहियों के साक्ष्य होंगे।

[सं० एफ० 14-3/79-भार०भार०बी०(7)]

सी०भार०बि०वास, उप सचिव

S.O. 2118.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and Bank of India, hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Singhbhum Kshetriya Gramin Bank (Meetings of Board) Rules, 1979.

(2) They shall come into force on the date of their publication in the official Gazette.

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2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Sharda Gramin Bank;

(c) words and expressions used herein and not defined but defined in the Act have the meanings respectively, assigned to them in the Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of Meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in books (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialed or signed by the Chairman of the Director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business/transaction by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of the rules shall be evidence of proceedings recorded therein.

[No. F. 14-3/79-RRB(7)]

C. R. BISWAS, Dy.Secy.

का० अा० 2119.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और इलाहाबाद बैंक के परामर्श से निम्नलिखित नियम बनाती है अर्थात्—

1. संक्षिप्त नाम और प्रारम्भ:—(1) इन नियमों का नाम शारदा ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, तब तक कि संदर्भ से अन्यथा अपेक्षित न हो

(क) 'अधिनियम' से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) 'बैंक' से शारदा ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ हैं, जो उनके अधिनियम में हैं।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या:—एक वर्ष में बोर्ड के कम से कम छः अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन:—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जायेगा।

5. अधिवेशनों का स्थान:—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची:—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जाएगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से सप्ताहगत: कम से कम पन्द्रह दिन की सूचना दी जाएगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निम्नलिखित विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किए जाने के लिए प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जाएगी।

(घ) यदि इस प्रकार परिचालित कारबार की सूची में किसी कारबार को सम्मिलित नहीं किया गया हो तो अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों के बहुमत की सम्मति के बिना वह अधिवेशन में नहीं किया जा सकेगा।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जाएगी।

7. बोर्ड का विशेष अधिवेशन:—(1) अध्यक्ष इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलाएगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गई है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से द्वासीम दिन के भीतर ही बुलाया जाएगा।

8. अधिवेशन के लिए गणपूर्ति (कोरम):—बोर्ड के अधिवेशन के लिए, गणपूर्ति चार की होगी।

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबन्ध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार-विमर्श में भाग लेने के अनुरोधित करने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन:—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश दिन न हो, उसी समय और उसी स्थान के लिए, स्थगित हो जाएगा।

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष, जिस तारीख तक के लिए अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक की यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख की अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार:—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार की कागजों के परिचालन द्वारा निदेशकों (भारत के बाहर गये निदेशकों से भिन्न) को निदिष्ट किया जा सकेगा है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, अन्होंने अपने विचार लेखबद्ध किये हों, उमा प्रकार प्रभावी और आबद्धक होगा मानों ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई सामान्य बोर्ड द्वारा उस तारीख को पारित किया गया माना जाएगा जिस तारीख को उस मामले पर अन्तिम हस्ताक्षर कर्ता ने हस्ताक्षर किये हों।

(4) यदि कोई सामान्य परिचालित किया जाता है तो उस परिचालन परिणाम में सभी निदेशकों को संसूचित किया जायेगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किये गये सभी निर्णयों की अभिलेख के लिए, अगले अधिवेशन में रखा जाएगा।

11. कारबार के अभिलेख—(1) (क) बोर्ड के अधिवेशनों के कार्य-वृत्तों की पुस्तकों (जिन्हें इसमें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया है) में रखा जाएगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसने अधिवेशन की अध्यक्षता की हो, द्वारा हस्ताक्षरित या हस्ताक्षरित किया जाएगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्य-वाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जायेगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथार्थात् इन कार्य-वृत्तों की प्रतियां प्रत्येक निदेशकों को भेजी जायेंगी।

(3) जब कोई कारबार कामगमों के परिचालन द्वारा किया जाए तो इस प्रकार किए गए कारबार के अभिलेख को अध्यक्ष द्वारा हस्ताक्षरित किया जाएगा और कार्यवृत्त पुस्तक में उसकी प्रविष्टि की जाएगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिए अगले अधिवेशन में रखे जाएंगे।

(5) अधिवेशनों के ये कार्यवृत्त, जो इन नियमों के उपबन्धों के अनुसार रखे जाएंगे, उनमें अभिलिखित कार्यवाहियों के साक्ष्य होंगे।

[सं० एक० 14-3/79-आर०आर०बी०(8)]

सी० आर० बिश्वास, उप सचिव

S.O. 2119.—In exercise of the powers conferred by sec-29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and Allahabad Bank, hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Sharda Gramin Bank (Meeting of Board) Rules, 1979.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976);

(b) "bank" means the Sharda Gramin Bank;

(c) words and expression used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in the Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) A business, not included in the list of business so circulated, shall not be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and the majority of the directors present.

(2) Where it is necessary to call an emergency meeting of the Board, sufficient notice shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be four :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by the majority of directors who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in books (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialed or signed by the Chairman of the Director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of the rules shall be evidence of proceedings recorded therein.

नई दिल्ली, 11 जून, 1979

शुद्धि पत्र

का०प्रा० 2120.—दिनांक 10 फरवरी, 1979 के का०प्रा०-482 के अन्तर्गत भारत के राजपत्र के भाग 11, खण्ड 3(11) में प्रकाशित, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 25 जनवरी, 1979 की अधिसूचना संख्या 8(1)/78-ए०सी० में,

- (1) शब्द "प्रदत्त" के बाद और "का प्रयोग" से पहले शब्द "शक्तियों" के स्थान पर "शक्तियों", प्रतिस्थापित माना जाये;
- (2) शब्द "प्रकाशन" के बाद और "तारीख" से पहले शब्द "का" के स्थान पर "की", प्रतिस्थापित माना जाये।

[संख्या 8/1/78-ए०सी०]

मणवन्त राज, अवर सचिव

New Delhi, the 11th June, 1979

ERRATA

S.O. 2120.—In the Notification of Ministry of Finance, Department of Economic Affairs (Banking Division) No. 8-1/78-AC, dated the 25th January, 1979 published in Part II—Sub-section (ii) of Section 3 of the Gazette of India dated the 10th February 1979 vide S.O. 482, for the word 'Rajamundry', the word 'Rajahmundry' may be substituted, after the words 'Co-operative Urban Bank Ltd'.

[No. 8-1/78-AC]

YASHWANT RAJ, Under Secy.

केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

नई दिल्ली, 23 जून, 1979

गोवा-शुल्क

का०प्रा० 2121.—केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गोवा, दमण और दीव संघ राज्य क्षेत्र में "वेल् माईस" तालुका बिकोलिम, गोवा को भाण्डागारण केन्द्र के रूप में घोषित करने वाली भारत सरकार के केन्द्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड की अधिसूचना सं० 190/65 सीमा-शुल्क, तारीख 4 दिसम्बर, 1965 को विरुद्धित करता है।

[सं० 124/79-सी० शु०/का० सं० 473/44/79-सी०-शु०-VII]

एन० कृष्णमूर्ति, अवर सचिव

CENTRAL BOARD OF EXCISE & CUSTOMS

New Delhi, the 23rd June, 1979

CUSTOMS

S.O. 2121.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby rescinds the notification of the Government of India in the Central Board of Excise and Customs No. 190/65-Customs, dated 4th December, 1965 declaring 'PIALE MINES' Taluka BICHOLIM, GOA, in the Union Territory of Goa, Daman, Diu, to be a warehousing station.

[No. 124/79-CUSTOMS/F. No. 473/44/79-Cus. VII]

N. KRISHNAMURTHY, Under Secy.

वाणिज्य, नागरिक पूर्ति तथा सहकारिता मंत्रालय

(वाणिज्य विभाग)

आदेश

नई दिल्ली, 23 जून, 1979

का०प्रा० 2122.—भारत के निर्यात व्यापार में अखिर्द्धि के लिए भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का०प्रा० 1899, तारीख अगस्त, 1974 में संशोधन करने के लिए कतिपय प्रस्ताव निर्यातक (क्वालिटी नियंत्रण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार, भारत के राजपत्र, भाग II खंड, 3 उपखंड (ii) तारीख 29 अप्रैल, 1978 में भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का०प्रा० 1312, तारीख 29 अप्रैल, 1978 के अधीन, उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी. इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिन के भीतर आपत्तियां तथा सुझाव मांगे गए थे।

उक्त राजपत्र की प्रतियां जनता को 2 मई, 1978 को उपलब्ध करा दी गई थी।

जनता से 24 जून, 1978 तक या उससे पहले आपत्ति तथा सुझाव मांगे गए थे ;

जनता से कोई भी आपत्ति प्राप्त नहीं हुई है और जो सुझाव उसने दिए थे उन पर केन्द्रीय सरकार ने विचार कर लिया है ;

अतः, अब, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का० प्रा० 1899, तारीख 10 अगस्त, 1974 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त आदेश में,—

(i) पैरा 1 के उप-पैरा (3) में स्तम्भ (ग) तथा उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्:—

"(ग) इस्पात के तारों के रस्सों के लिए मानक विनिर्देशों के रूप में निर्यात संविदा के स्वीकृत विनिर्देश होने के लिए निर्यातकर्ता द्वारा यथाघोषित विनिर्देश ;

परन्तु उक्त खंड (ग) के अधीन उल्लिखित विनिर्देशों की वशा में विदेशी क्रेता और निर्यातकर्ता के बीच निर्यात संविदा विनिर्दिष्ट रूप में अनुध्यात विशेषताओं के स्थान पर, उक्त खंड क या (ख) में उल्लिखित विनिर्देशों तथा अनुध्यात विशेषताएं ही लागू होंगी और

(ii) पैरा 3 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"3 परिभाषा—इस आदेश में "इस्पात के तार के रस्से" से एक विनिर्दिष्ट ढंग से तंतु कोर सहित अथवा रहित, इस्पात के तारों की छड़ियों का रूप धरे हुए विनिर्मित रस्से अभिप्रेत है—जहां इस्पात के तारों की छड़ियों का अधिप्राय एक

विनिर्दिष्ट ढंग से एक या अधिक तहों में एक धुरी पर कुण्डली की तार घुमाते हुए गोलाकार या किसी आकार के इस्पात के तारों से है—तथा कर्पण, घुमाव, उत्तोलन, झिल करना या अन्य किसी भी प्रयोग के लिए लागू होगा। परन्तु इसके अन्तर्गत इस्पात के तारों की लड़ियों नहीं हैं।”

[सं० 6(20)/71-नि०नि० तथा नि०उ०]

in a specified manner with or without fibre core—where steel wire strand means a number of round or shaped steel wires helically laid about an axis in one or more layers in a specified manner—and meant for applications such as haulage, winding, hoisting, drilling or for any other allied use; but shall not include steel wire strands”.

[No. 6(20)/71-LI&EP]

MINISTRY OF COMMERCE, CIVIL SUPPLIES AND COOPERATION

(Department of Commerce)

ORDER

New Delhi, the 23rd June, 1979

S.O. 2122.—Whereas for the development of the export trade of India certain proposals for amending the Order of the Government of India in the Ministry of Commerce No. S.O. 1989 dated the 10th August, 1974 relating to quality control and inspection of steel wire ropes were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, under the Order of the Government of India in the Ministry of Commerce No. S.O. 1212 dated the 29th April, 1978 in the Gazette of India, Part II, section 3, sub-section (ii) dated the 29th April, 1978 inviting objections and suggestions from all persons likely to be affected thereby within forty five days from the date of publication of the Order in the Official Gazette;

And whereas copies of the said Gazette were made available to the public on the 2nd May, 1978.

And whereas objections and suggestions were invited from the public on or before the 24th June, 1978;

And whereas no objections were received and the suggestions given by the concerned public have been considered by the Central Government.

Now, therefore, in exercise of the powers concerned by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council hereby makes the following amendments in the Order of the Government of India in the Ministry of Commerce No. S.O. 1989 dated the 10th August, 1974, namely :—

In the said Order,

- (i) in sub-paragraph (3) of paragraph 1, for clause (c) and the entries relating thereto, the following shall be substituted, namely :—

“(c) the specification as declared by the exporter to be the agreed specification of the export contract— as the standard specifications for steel wire ropes.

Provided that in case of the specification mentioned in clause (c) above, for the Characteristics not specifically stipulated in the export contract between the foreign buyer and the exporter, the same as stipulated in the specifications mentioned in clause (a) or clause (b) above would be applicable”; and

- (ii) for paragraph 3 and the entries relating thereto, the following shall be substituted, namely :—

“3 Definition : In this Order ‘steel wire ropes’ mean ropes manufacture by forming steel wire strands

का०सा० 2123.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार द्वारा इस्पात के तार के रस्सों के निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) नियम, 1974 में और संशोधन करने के निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का नाम इस्पात के तार के रस्सों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1979 है।

2. ये इसके सरकारी राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इस्पात के तार के रस्सों के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1974 में नियम 2 के उप-नियम (ग) के तथा छससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

“(घ) इस्पात के तार के रस्सों से एक विनिर्दिष्ट ढंग से तंतु कोड सहित अथवा रहित इस्पात की तार की लड़ियों का रूप सेते हुए विनिर्मित रस्से अभिप्रेत हैं—जहाँ इस्पात की तारों की लड़ियों का अभिप्रेत एक विनिर्दिष्ट ढंग से एक या अधिक तहों में एक धुरी पर कुण्डली की तरह घुमाते हुए गोलाकार या किसी आकार की इस्पात की तारों से होगा—तथा घुलाई घुमाव, उत्तोलन, झिल करना या अन्य किसी भी प्रयोग के लिए लागू होगा, परन्तु इसमें इस्पात की तार की लड़ियों को सम्मिलित नहीं किया जाएगा।”

पाद टिप्पणी.—का०सा० सं० 1990, तारीख 10-8-1974 में एतद्-द्वारा संशोधन किया जाता है।

[सं० 6(20)/71-नि०नि० तथा नि०उ०]

S.O. 2123.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to further amend the Export of Steel Wire Ropes (Quality Control and Inspection) Rules 1974, namely :—

1. (1) These rules may be called the Export of Steel Wire Ropes (Quality Control and Inspection) Amendment Rules 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Steel Wire Ropes (Quality Control and Inspection) Rules, 1974, for sub clause (c) of rule 2 and the entries relating thereto, the following shall be substituted, namely :—

“(c) ‘Steel wire ropes’ means ropes manufactured by forming steel wire strands in a specified manner with or without fibre core,—where steel wire strand means a number of round or shaped steel wires helically laid about an axis in one or more layers in a specified manner,—and meant for application such as haulage, winding, hoisting, drilling or for any other allied use; but shall not include steel wire strands”.

Foot Note.—S.O. No. 1990 dated 10-8-74 is hereby amended
[No. 6(20)/71-EJ&EP]

क्रा०आ० 2124.—भारत के निर्यात व्यापार में अभिवृद्धि के लिए इस्पात के तार की लड़ियों को, उनके निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाने के लिए कतिपय प्रस्ताव निर्यात (क्वालिटी, नियंत्रण तथा निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार, भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० क्रा०आ० 1213, तारीख 29 अप्रैल, 1978 के अधीन भारत के राजपत्र भाग-ii, खंड-3, उपखंड (ii) तारीख 29 अप्रैल, 1978 में प्रकाशित किए गए थे ;

और उक्त राजपत्र की प्रतियां, जनता को, जिनके उससे प्रभावित होने की संभावना थी, 2 मई, 1978 को उपलब्ध करा दी गई थी।

और जनता से 24 जून, 1978 तक या पहले आपत्तियां तथा सुझाव मांगे गए थे।

और प्रस्तावों पर कोई भी आपत्ति या सुझाव प्राप्त नहीं हुए।

अतः, अब, केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नियमित निरीक्षण परिपद् में परामर्श के पश्चात्, यह राय होने पर कि भारत के निर्यात व्यापार में अभिवृद्धि के लिए, ऐसा करना आवश्यक और समीचीन है :—

- (1) अधिसूचित करती है कि इस्पात के तार की लड़ियों निर्यात से पूर्व क्वालिटी नियंत्रण तथा निरीक्षण के अधीन होंगी।
- (2) इस्पात के तार की लड़ियों के निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) नियम, 1979 के प्रारूप के अनुसार निरीक्षण के प्रकार को निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करती है जो निर्यात से पूर्व ऐसे इस्पात के तार की लड़ियों को लागू होगा :
- (3) निम्नलिखित को मान्यता देती है :—
(क) सुसंगत भारतीय या अन्य राष्ट्रीय मानक विनिर्देशों को।

(ख) अन्तर्राष्ट्रीय मानकीकरण संगठन, अमेरिकन पेट्रोलियम इन्स्टीट्यूट, अन्तर्राष्ट्रीय विद्युत् तकनीकी आयोग जैसे राष्ट्रीय तथा अन्तर्राष्ट्रीय संगठनों तथा इसी प्रकार के अन्य संगठनों द्वारा जारी किए गए विनिर्देशों को।

(ग) ऐसी निर्यात संविदा के लिए विदेशी क्रेता तथा निर्यातकर्ता के मध्य हुए सांख्यिक विनिर्देशों को, जो इस आदेश के सरकारी राजपत्र में प्रकाशन से ठीक पूर्व हुई है तथा उसके पश्चात् उक्त तारीख से साठ (60) दिन के अवधि के भीतर) निर्यात किए गए ; और

(घ) ऐसे इस्पात के तारों की लड़ियों के लिए मानक विनिर्देशों के रूप में, निर्यातकर्ता तथा विदेशी क्रेता के मध्य हुए करार के अनुसार सांख्यिक विनिर्देश।

परन्तु ऊपर खंड (घ) के अर्धीन मान्य विनिर्देशों की दशा में विदेशी क्रेता तथा निर्यातकर्ता के मध्य निर्यात संविदा में विनिर्दिष्ट रूप से अनुस्यूत विशेषताओं के स्थान पर, ऊपर खंड (क) या खंड (ख) में उल्लिखित विशेषताएं लागू होंगी।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान इस्पात के तार की ऐसी लड़ियों के निर्यात को तब तक प्रतिबन्धित करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित अधिकरणों में से किसी के द्वारा जारी किया गया इस आशय का प्रमाण-पत्र न हो कि इस्पात के तार की लड़ियों का परेण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करता है तथा निर्यात योग्य है।

2. इस आदेश की कोई भी बात निम्नलिखित को लागू नहीं होगी :—

(क) ऐसे परेण को लागू नहीं होगी जो इस आदेश के सरकारी राजपत्र में प्रकाशन की तारीख से ठीक पहले ही संबंधित निर्यातकर्ता या विनिर्माता के परिसर से जा चुका हो।

(ख) भाषी क्रेताओं को भु या समुद्र या वायु मार्ग द्वारा इस्पात के तार की लड़ियों के वास्तविक नमूनों के निर्यात को।

3 इस आदेश में “इस्पात के तार की लड़ियों” से अभिप्रेत है, गोल या किसी भी आकार के कोट किए हुए या बिना कोट किए हुए, लोहे या इस्पात के तारों जो एक या अधिक तहों में विनिर्दिष्ट ढंग से घुरी के चारों ओर बल खाते हुए लिपटे हुए हैं तथा विद्युत् संवर्णन पावर लाइनें, एल्युमिनियम जालको इस्पात प्रतिरोधी आवक कोरा, भू तार, टैंक तारों, गाई तारों, संवेण, वाहक तारों, स्थान तारों पूर्व प्रचलित कंकरीट संकेतन प्रयोजनों तथा ऐसे संबद्ध प्रयोजनों के लिए बनाए गए हैं।

4. यह आदेश सरकारी प्रकाशन की तारीख को प्रवृत्त होगा।

[सं० 6(20)/71-नि०नि०आया नि०उ०]

S.O. 2124.—Whereas for the development of the export trade of India certain proposals for subjecting steel wire strands to quality control and inspection prior to their export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India, Part II, Section 3, Sub Section (ii) dated the 29th April, 1978, under the Order of the Government of India in the Ministry of Commerce No. S.O. 1213 dated the 29th April, 1978,

And whereas copies of the said Gazette were made available to the public likely to be affected thereby on the 2nd May, 1978;

And where objections and suggestions were invited from the public on or before the 24th June, 1978;

And whereas no objection or suggestion was received on the proposals;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of the opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby :—

- (1) notifies that steel wire strands shall be subject to quality control and inspection prior to export;
- (2) specified the type of inspection in accordance with the draft export of steel wire strands (Quality Control and Inspection) Rules, 1979 as the type of quality control and inspection which would be applied to such steel wire strands prior to export;
- (3) recognises—
 - (a) the relevant Indian or other National standard specifications;
 - (b) the specifications issued by National or International organisations like International organization for Standardization, American Petroleum Institute, International Electro-technical Commission and the like;
 - (c) the contractual specifications as agreed upon between the foreign buyer and the exporter for such export contracts as were entered into immediately prior to the publication of this order in the official Gazette and thereafter exported within a span of sixty days from the said date; and
 - (d) the contractual specifications as agreed upon between the foreign buyer and the exporter; at the standard specifications for such steel wire strands.

Provided that in the case of the specifications recognized under clause (d) above, for the characteristics not specifically stipulated in the export contract between the foreign buyer and the exporter, the same as mentioned in clause (a) or clause (b) above would be applicable.

- (4) To prohibit the export in the course of international trade of any such steel wire strands unless the same are accompanied by a certificate issued by any one of the agencies established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignments of steel wire strands satisfy the conditions relating to quality control and inspection and are exportworthy.
- (2) Nothing in the order shall apply to :—
 - (a) such consignments as might have already left the premises of the manufacturer or exporter concerned immediately prior to the date of publication of this order in the official Gazette; and
 - (b) the export by land, sea or air of bonafide samples of steel wire strands to prospective buyers.
- (3) In this order, 'steel wire strands' shall mean a number of round or shaped iron or steel wires, coated

or uncoated, helically laid about an axle in one or more layers in a specified manner and meant for application such as electric transmission power lines Aluminium conductor steel reinforced conductor cores, earthwires, staywires, guy wires, messenger wires, span wires, pre-stressed concrete, signalling purposes and such allied uses.

- (4) The order shall come into force on the date of its publication in the official Gazette.

[No. 6/20/71-EI&EP]

कां०या० 2125.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम तथा प्रारम्भ.—(1) इन नियमों का नाम इस्पात के तार की लड़ियों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1979 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. परिभाषाएँ.—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो—

(क) 'अधिनियम' से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) 'अभिकरण' से अधिनियम की धारा 7 के अधीन मुम्बई, कलकत्ता, कोचीन, दिल्ली तथा मद्रास में स्थापित अभिकरणों में से कोई भी अभिकरण अभिप्रेत है;

(ग) 'इस्पात की तार की लड़ियों' से अभिप्रेत है, गोम या किसी भी आकार के कोट किए हुए या बिना कोट के हुए लोहे या इस्पात के तार जो एक या अधिक तलों में विनिर्दिष्ट ढंग से धुरी के चारों ओर बस खाते हुए लिपटे हुए हैं तथा विद्युत संचरण पावर लाइनें, एल्यूमिनियम चालक इस्पात प्रति रोध चालक कोर, भू तार, टेपतारों, गाई तारों, संवेष वहक तारों, स्थान तारों, पूर्व प्रचलित कैकरीट संकेतन प्रयोजनों तथा ऐसे ही संबन्ध प्रयोजनों के लिए बनाए गए हैं।

3. क्वालिटी नियंत्रण और निरीक्षण :

(1) क्वालिटी नियंत्रण.—निर्यात के लिए आणयित इस्पात के तार की लड़ियों का क्वालिटी नियंत्रण इस दृष्टि से किया जाएगा कि वे अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के अनुकूल हैं तथा वे इससे संलग्न अनुसूची में दिए गए नियंत्रण के स्तरों के सहित विनिर्माण के भिन्न-भिन्न प्रकारों पर निम्नलिखित नियंत्रणों का प्रयोग करके बनाई गई हैं, अर्थात् :—

(i) खरीदी गई सामग्री तथा घटक नियंत्रण

(क) प्रयोग किए जाने वाले घटकों या सामग्री की विशेषताओं को समाविष्ट करने हुए विनिर्माता क्रय विनिर्देश अधिकृत करेगा तथा उनके पास जाने वाले लार्डों की अनुसूचिता सुनिश्चित करने के लिए निरीक्षण तथा परीक्षण के पर्याप्त साधन होंगे।

(ख) स्वीकृत परीक्षणों के साथ या भी क्रय विनिर्देशों की अपेक्षाओं की पूर्ति करते हुए प्रदाय कर्ता का परीक्षण या निरीक्षण प्रमाणपत्र होगा, जिस तथा में जेता विशिष्ट प्रदाय कर्ता के लिए उक्त परीक्षण प्रमाणपत्रों या निरीक्षण प्रमाणपत्रों की शुद्धता को गत्यापित करने के लिए, कालिक जाच (अर्थात् उसी सामग्री के उसी प्रदायकर्ता के लिए तीन माह में एक बार) की जाएगी या क्रय की गई सामग्री या घटकों का कारखाने के भीतर प्रयोगशाला में, या किसी अन्य प्रयोगशाला या परीक्षण गृह में नियमित रूप से परीक्षण या निरीक्षण किया जाएगा।

- (ग) किए जाने वाले निरीक्षण या परीक्षण के लिए नमूने लेना अभिविहित अन्वेषण पर आधारित होगा।
- (घ) निरीक्षण या परीक्षण कर लिए जाने के पश्चात् स्वीकृत तथा अस्वीकृत गमित्री या घटकों के पृथक्कीकरण तथा अस्वीकृत मान तथा घटकों के निपटान के लिए व्यवस्थित पद्धतियाँ अपनाई जाएँगी।
- (ङ) विनिर्माता उपर्युक्त नियन्त्रणों के बारे में पर्याप्त अभिलेख व्यवस्थित तथा नियमित रूप से रखेगा।
- (ii) प्रक्रिया नियंत्रण :—
- (क) विनिर्माता विनिर्माण की भिन्न-भिन्न प्रक्रियाओं के लिए ब्यौरेवार प्रक्रिया विनिर्देश अधिकृत करेगा।
- (ख) प्रक्रिया विनिर्देश में अधिकृत रूप में प्रक्रियाओं को नियंत्रित करने के लिए उपकरण, उपकरण एवं सुविधाओं की पूर्ण व्यवस्था होगी।
- (ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों के स्थापन की संभावना को सुनिश्चित करने के लिए विनिर्माता पर्याप्त अभिलेख रखेगा।
- (iii) उत्पाद नियंत्रण :—

यह परीक्षण करने के लिए कि उत्पाद अधिनियम की धारा 7 के अधीन मान्य निम्नलिखित विनिर्देशों के अनुसार है या नहीं या तो स्वयं उगकी परीक्षण सुविधाएँ होगी या उगकी पहुँच वहाँ तक होगी जहाँ ऐसी सुविधाएँ उपलब्ध हैं :—

- (i) मूलगत भारतीय या अन्य राष्ट्रीय मानक विनिर्देश :
- (ii) मानकीकरण अन्तर्राष्ट्रीय संगठन, अमेरिकन पेट्रोलियम इंस्टीट्यूट, अन्तर्राष्ट्रीय विद्युत तकनीकी आयोग जैसे राष्ट्रीय या अन्तर्राष्ट्रीय संगठनों द्वारा जारी किए गए विनिर्देश,
- (iii) ऐसी नियमित संविदा के लिए विदेशी क्रेता तथा नियामकों के मध्य तय हुए राबिटिक विनिर्देश जो इस आदेश के सरकारी राजपत्र में प्रकाशन से ठीक पूर्व हुई हैं तथा जो इसके पश्चात् उक्त तारीख से आठ दिन की अवधि के भीतर नियमित की गई है, तथा
- (iv) नियामक कर्ता तथा विदेशी क्रेता के मध्य यथा स्वीकृत राबिटिक विनिर्देश परन्तु ऊपर खंड (4) के अधीन मान्य विनिर्देशों की दशा में विदेशी क्रेता तथा नियामक कर्ता के मध्य नियमित संविदा की जिन विशेषताओं के लिए विनिर्दिष्ट रूप से अनुबंध नहीं है वे उसी रूप में लागू होगी जिनका उल्लेख ऊपर खंड (i) या खंड (ii) में किया गया है।
- (ख) परीक्षण के लिए नमूना लेना (जहाँ कहीं अपेक्षित है) अभिविहित अन्वेषण पर आधारित होगा।
- (ग) किए गए परीक्षण के संबंध में विनिर्माता पर्याप्त अभिलेख नियमित तथा व्यवस्थित रूप से रखेगा।

(i) परीक्षण नियंत्रण :—

- (क) विनिर्माता उत्पाद को मौगमी परिस्थितियों के प्रतिकूल प्रभावों से सुरक्षित करने के लिए ब्यौरेवार विनिर्देश अधिकृत करेगा।
- (ख) उत्पाद-भंडारण तथा अभिवहन, बोनों के दौरान, भली भाँति परिरक्षित किया जाएगा।

(ii) मौगमी नियंत्रण :—

विनिर्माता उत्पादन तथा नियंत्रण में प्रयुक्त मापकों तथा उपकरणों की कालिक जाँच या प्रशासन करेगा तथा अभिलेख बूत कांड के रूप में रखा जाएगा।

(iii) पैकिंग नियंत्रण :—

विनिर्माता नियमित किए जाने वाले पैकेजों के लिए ब्यौरेवार पैकिंग विनिर्देश अधिकृत करेगा तथा उनका दृढ़ता से पालन करेगा।

2. निरीक्षण :—परीक्षण तथा निरीक्षण करने के लिए अपने संलग्न अनुसूची ii के अनुसार संबंधित परेक्षणों में से नमूने लेकर, नियमित के लिए अणयित इस्पात के तारों की लड़ियों का निरीक्षण यह देखने के विचार से किया जाएगा कि परेक्षण अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के अनुरूप है।

4. निरीक्षण का आधार :—नियमित के लिए आणयित इस्पात के तारों की लड़ियों का निरीक्षण यह देखने के विचार से किया जाएगा कि अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के अनुरूप है जो इन नियमों से संलग्न अनुसूची iii में उद्धृत किए गए हैं, यह निरीक्षण :—

- (क) यह सुनिश्चित करके कि विनिर्माण की प्रक्रिया के दौरान नियम 3 के उपनियम (1) में यथा विनिर्दिष्ट क्वालिटी नियंत्रण अभ्यासों का पालन किया गया है,

या

- (ख) नियम 3 के उपनियम (2) की अनुसार किए गए निरीक्षण के आधार पर,
- (ग) दोनों के द्वारा किया जाएगा।

5. निरीक्षण की प्रक्रिया :—

(क) (1) इस्पात के तार की लड़ियों के परेक्षण का नियमित करने का इच्छुक नियामककर्ता अपने ऐसा करने के आशय की सूचना लिखित रूप में किसी भी अधिकरण को देगा तथा ऐसी सूचना के साथ यह घोषणा भी करेगा कि इस्पात के तारों की लड़ियों का परेक्षण नियम 3 के उपनियम (1) के अधीन विनिर्दिष्ट नियंत्रण के अनुसार क्वालिटी नियंत्रण उपायों का प्रयोग करके विनिर्मित किया गया है तथा परेक्षण या तो इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुरूप है या सभी तकनीकी विशेषताओं का विवरण देने हुए, यह घोषणा करेगा कि वे नियमित संविदा में अनुबन्धित विनिर्देशों के अनुरूप है जिने कि अधिकरण नियम 3 के उपनियम (2) के अनुसार निरीक्षण कर सके।

(ख) नियामककर्ता उसी समय ऐसी सूचना की एक प्रति परिषद् के निकटतम कार्यालय पृष्ठांकित करेगा। परिषद् के कार्यालयों के पते निम्नलिखित हैं :—

मध्य कार्यालय :	नियमित निरीक्षण परिषद्, ब्लॉक ट्रेड सेंटर (प्राठवी मंजिल) 14/1-बी एजरा स्ट्रीट कलकत्ता-700001।
क्षेत्रीय कार्यालय :	(1) नियमित निरीक्षण परिषद्, अमन चौबर्मे (पांचवी मंजिल) 113, एम० कार्वे रोड, मुम्बई-400004। (2) नियमित निरीक्षण परिषद्, मनोहर बिल्डिंग महात्मा गांधी रोड, एनकुलम, कोचीन, 682011। (3) नियमित निरीक्षण परिषद्, म्युनिपल मार्केट बिल्डिंग 3, सरमवती मार्ग, नई दिल्ली करोलबाग नई दिल्ली, 110005।

(2) नियामककर्ता अधिकरण को परेक्षण पर लगाए गए पहचान चिह्न भी प्रस्तुत करेगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना तथा घोषणा विनिर्माता या नियामकों के परिसर में परेषण के क्षेत्रों वाले में कम से कम सात दिन पूर्व अभिकरण के कार्यालय में पहुँच जाएगी।

(4) (क) उपनियम (1) के अधीन सूचना तथा घोषणा प्राप्त होने पर, नियम 4 के अधीन बताया गए रूप में निरीक्षण करने तथा परिषद द्वारा इस संबंध में जारी किए निर्देशों यदि कोई हों, के आधार पर अभिकरण का अपना यह समाधान हो जाने पर कि परेषण का विनिर्माण उस प्राप्त मानक निर्देशों के अनुसार किया गया है, सात दिन के भीतर यह घोषणा करते हुए, प्रमाण पत्र जारी करेगा कि स्थान के तारों की लड़ियों का परेषण नियमित योग्य है;

परन्तु जहाँ अभिकरण का ऐसा समाधान नहीं होता वहाँ वह उक्त सात दिन के भीतर ऐसा प्रमाणपत्र जारी करने से इंकार कर देगा तथा ऐसे इंकार की सूचना नियामकों को उसके कार्यालय भर्तित देगा।

(ख) उन मामलों को छोड़कर जिनमें नियामकों स्वयं इस्पात के तारों की लड़ियों के परेषण का विनिर्माण है तथा नियम 4 के उपखण्ड (क) या (ख) के उपबन्धों के अनुसार उसका निरीक्षण किया गया है अन्य सभी मामलों में निरीक्षण की समाप्ति के पश्चात् अभिकरण परेषण के पैकेजों को तुरन्त इस ढंग से मोहर बंद कर देगा कि मोहर बंद भाल में इस्तखोप न किया जा सके परेषण अस्वीकृत हो जाने की दशा में, यदि नियामकों चाहें तो, परेषण को अभिकरण मोहरबंद नहीं करेगा। ऐसी दशा में नियामकों अस्वीकृत के विरुद्ध अपील करने का हकदार नहीं होगा।

निरीक्षण का स्थान.—इन नियमों के प्रयोजनों के लिए इस्पात के तारों की लड़ियों का निरीक्षण

(क) विनिर्माता के परिसर पर,

या

(ख) उस परिसर पर जहाँ इस्पात की तारों की लड़ियों के परेषण को विनिर्माता प्रस्तुत करता है, परन्तु यह तब जब वहाँ निरीक्षण के प्रयोजन के लिए पर्याप्त सुविधाएँ हों,

किया जाएगा।

7. **निरीक्षण फीस.**—इन नियमों के अधीन निरीक्षण फीस के रूप में नियामकों अभिकरण को प्रत्येक परेषण के लिए न्यूनतम एक सौ रुपये के अक्षान रहते हुए, परेषण के पौन पर्यन्त निष्पत्ति मूल्य के, प्रत्येक एक सौ रुपये के लिए, पचास पैसे की दर से एक फीस देगा।

8. **अपील.**—

(1) नियम 5 के उपनियम (4) के अधीन अभिकरण द्वारा प्रमाण पत्र जारी करने से इंकार कर दिए जाने से व्यक्ति कोई व्यक्ति ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त पैनल को जिसमें कम से कम तीन और अधिक से अधिक सात व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल की कुल संख्या के दो तिहाई सदस्य गैर सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन में होगी।

(4) अपील उसके प्राप्त होने से पन्द्रह दिन के भीतर निपटा दी जाएगी।

अनुसूची I

[नियम 3 का उपनियम (1) देखिए]

क्र० सं०	परीक्षण/निरीक्षण की विशेषताएं	प्रवेशाएं	जांच किए जाने वाले नमूनों की संख्या	साइट प्रकार	टिप्पणी
(1)	(2)	(3)	(4)	(5)	(6)
1	सामग्र्य				
	सलफर और फास्फोरस ग्रांथ	सालक चिनिर्देश के अनुसार	1	प्रत्येक कुण्डली का ऊष्मा अवस्था ऊष्मा	जहाँ रसायनिक मिश्रण उत्पादक के परीक्षण प्रमाणपत्र से सम्बंधित हो, वहाँ कुण्डली के पांच ऊष्माओं अवस्था कुण्डलों में से एक नमूने का परीक्षण किया जाएगा।
2	बटने से पकड़े				
	अलग-अलग तार।	—यथोक्त—	1	प्रत्येक कुण्डली	
	(क) आकार	—यथोक्त—	1	—यथोक्त—	
	(ख) तनन सामर्थ्य	—यथोक्त—	1	—यथोक्त—	
	(ग) टारशन	—यथोक्त—	1	—यथोक्त—	
	(घ) लपेटना	—यथोक्त—	1	—यथोक्त—	
	(ङ) जस्ता कोटिंग की एक क्पता	—यथोक्त—	1	—यथोक्त—	

1	2	3	4	5
(इ) जस्ता कोटिंग की एकरूपता	मानक विनिर्देश के अनुसार	1	प्रत्येक दो घंटे में एक ही आकार की उत्पादन प्रत्येक	
(च) जस्ता कोटिंग का भार	—यथोक्त—	1	प्रत्येक कुण्डली	
(छ) लुटियों से मुक्त	—यथोक्त—	1	अभिलेखित अन्वेषणों पर आधारित पर्याप्त संख्या	
(ज) कोई अन्य परख	—यथोक्त—	1	प्रत्येक रोल	
3. पूर्ण लड़ियाँ :				
(क) आकार	—यथोक्त—	1	प्रत्येक रोल	
(ख) बल की दिशा	—यथोक्त—	1	—यथोक्त—	
(ग) बल की लम्बाई	—यथोक्त—	1	—यथोक्त—	
(घ) घोंघों से मुक्त	—यथोक्त—	1	—यथोक्त—	
(ङ) खनावट	—यथोक्त—	1	—यथोक्त—	
(च) टूटन सामर्थ्य	—यथोक्त—	1	प्रत्येक उत्पादन की लम्बाई	
(छ) उत्पादन सामर्थ्य बल	—यथोक्त—	1	प्रत्येक उत्पादन की लम्बाई	
(ज) लड़ी का भार	—यथोक्त—	1	—यथोक्त—	
(झ) कोई अन्य परीक्षण	—यथोक्त—		अभिलेखित अन्वेषण पर आधारित पर्याप्त संख्या	
4. भ्रमस्त बटों से प्रलग तार				
(क) तनन सामर्थ्य	—यथोक्त—	3	प्रत्येक उत्पादन लम्बाई	यदि परीक्षण में एक या अधिक तार फेल हो जाएं तो तीन और तारों को परीक्षण किया जाएगा और उत्पादन लम्बाई केवल तब स्वीकार की जाएगी जब पुनः परीक्षण में कोई फेल न हो।
(ख) टारशन जॉब	—यथोक्त—	3	—यथोक्त—	

अनुसूची-II

[नियम 3 का उप-नियम (2) देखें]

परीक्षणानुसार निरीक्षण के लिए नमूना लेना

(1) इस्पात के तारों की लड़ियों के परेखण का निरीक्षण तथा परीक्षण उसे लागू मानक विनिर्देशों से उसकी अनुरूपता सुनिश्चित करने के लिए किया जाएगा।

(2) ऐसे निरीक्षण के प्रयोजनों के लिए, विदेशी क्रेता तथा निर्यात कर्ता के रूख हुए सहमति के अनुसार सांविधिक विनिर्देश निरीक्षण का आधार होंगे।

सांविधिक विनिर्देश में विनिर्दिष्ट रूप से अनुवांछित विशेषताओं के लिए, अन्तर्राष्ट्रीय मानकीकरण संगठन, अन्तर्राष्ट्रीय विद्युत तकनीकी आयोग, अमेरिकन पैट्रोनियम संस्थान तथा ऐसे ही अन्य संगठनों जैसे अन्तर्राष्ट्रीय संगठनों द्वारा जारी किए गए भारतीय या अन्य राष्ट्रीय मानकों या विनिर्देशों में दी गई विशेषताएं निरीक्षण का आधार होंगी।

(3) नमूने तथा अनुरूपता के मापवण्ड के संबंध में, सांविधिक विनिर्देशों में विनिर्दिष्ट अनुबंधों के अभाव में, इससे संलग्न सारणी I तथा II में दी गई विशेषताएं लागू होंगी।

सारणी I

प्रत्येक आकार, प्रकार तथा श्रेणी की इस्पात के तारों, लड़ियों के लिए आने वाले नमूनों की संख्या

(1)	(2)
1500 मीटर तक	2
1500 मीटर से अधिक तथा 9000 मीटर तक	4
9000 मीटर से अधिक तथा 45000 मीटर तक	6
45000 मीटर से अधिक	8

सारणी-II

क्रम सं०	विशेषता	परीक्षण किए जाने वाले नमूनों की सं०	कितनी लड़ियों दोषों से पूर्ण हो सकती हैं
(1)	(2)	(3)	(4)

1. पूर्ण लड़ी

1	2	3	4
(क) आकार			
(ख) बल की दिशा			
(ग) बल की लम्बाई	सारणी I के अनुसार	शून्य	
(घ) बोधों से मुक्ति			
(ङ) बनावट			
(च) लड़ी का भार			
(छ) टूटन मजबूती	सारणी I के अनुसार लिए गए नमूनों की सं० का आधार		
(ज) पराभव सामग्री तथा वैद्यवृत्ति		शून्य	
(झ) कोई अन्य कारण			
2. लड़ियों में से प्रत्येक-प्रत्येक तार			
(क) तमन परीक्षण	(क) सारणी I के अनुसार ली गई लड़ियों के सभी तार सिवाय उनके जो सात तार की लड़ी तक बनाने के लिए पूर्ण लड़ी का परीक्षण करने के लिए हों।	शून्य	
(ख) टारशन परीक्षण	(ख) सारणी I के अनुसार ली गई लड़ियों में से तारों की आधी संख्या जिसका यत्न तत्त जयन किया गया हो, सिवाय उनके जो अन्य निर्माण के लिए पूरी लड़ी का परीक्षण करने के लिए हो।	शून्य	

अनुसूची III

(नियम 4 देखें)

अधिनियम की धारा 6 के अधीन इस्पात के तारों की लड़ियों के लिए

विनिर्देश

- (क) भुसंगत भारतीय या अन्य राष्ट्रीय मानक विनिर्देश।
- (ख) अन्तर्राष्ट्रीय मानकीकरण संगठन, अमेरिकन पैट्रोलियम संस्थान, अन्तर्राष्ट्रीय विद्युत तकनीकी आयोगों तथा बीसी ही अन्य संगठनों जैसे राष्ट्रीय या अन्तर्राष्ट्रीय संगठनों द्वारा जारी किए गए विनिर्देश।
- (ग) ऐसी निर्यात संधिदा के लिए विदेशी क्रेता तथा निर्यातकर्ता के मध्य तय हुए संधिविहिक विनिर्देश जो इस अधिनियम के सरकारी राजपत्र में प्रकाशन में ठीक पूर्व हुई है तथा जो इसके पश्चात् उक्त तारीख से साठ दिन की अवधि के भीतर निर्यात की गयी है, तथा
- (घ) निर्यातकर्ता तथा विदेशी क्रेता के मध्य यथा स्वीकृत संधिविहिक विनिर्देश :

परन्तु ऊपर खंड (घ) के अधीन मात्र विनिर्देशों की दशा में

विदेशी क्रेता तथा निर्यातकर्ता के मध्य निर्यात संधिदा में विशेष-ताम्रों के लिए विनिर्दिष्ट रूप में अनुबंध नहीं है वे उसी रूप में लागू होंगी जिनका उल्लेख ऊपर खण्ड (क) या खंड (ख) में किया गया है।

[स० 6(20)/71-नि०नि० तथा नि०उ०]
सां०बो० कुरुतेरी, संयुक्त निदेशक

S.O. 2125.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(i) These rules may be called the Export of Steel Wire Strands (Quality Control and Inspection) Rules, 1979.

(ii) They shall come into force on the date of publication in the official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

(b) "agency" means any one of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act.

(c) "steel wire strand" shall mean a number of round or shaped iron or steel wires, coated or uncoated helically laid about an axis in one or more layers in a specified manner and meant for applications such as electric transmission power lines, Aluminium conductor steel reinforced conductor cores, earth wires, stay wires, guy wires, messenger wires, span wires, pre-stressed concrete, signalling purposes and such allied uses.

3. Quality control and inspection.—(1) Quality Control.—The quality control of the steel wire strands intended for export shall be done with a view to see that the same conforms to the specifications recognised by the Central Government under section 6 of the Act by effecting the following controls at different stages of manufacture together with the levels of control as given in the Schedule I annexed hereto, namely :—

(i) Boughtout materials and components control.—(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and shall have adequate means of inspection or testing to ensure conformity of the incoming lots.

(b) The accepted consignments shall be either accompanied by a supplier's test or inspection certificate corroborating the requirements of the purchase specification, in which case occasional checks (that is to say once in each quarter of the year for the same supplier of the same material) shall be conducted by the manufacturer for a particular supplier to verify the correctness of the aforesaid test or inspection certificates or the purchased materials or components shall be regularly inspected or tested either in a laboratory in the factory or in some other laboratory or test house.

(c) The sampling for inspection or test to be carried out shall be based on a recorded investigation.

(d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials or components.

(e) Adequate records in respect of the above mentioned controls shall be regularly and systematically maintained by the manufacturers.

(ii) Process Control.—(a) Detailed process specifications shall be laid down by the manufacturer for different processes of manufacture.

(b) Equipments, instrumentation and facilities shall be adequate to control the processes as laid down in the process specification.

(c) Adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product control.—The manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per following specification recognised under section 6 of the Act :—

- (i) the relevant Indian or other National Standard specifications ;
- (ii) the specifications issued by National or International organizations like International Organization for Standardization, American Petroleum Institute, International Electrotechnical Commission and the like ;
- (iii) the contractual specifications as agreed upon between the foreign buyer and the exporter for such export contracts as were entered into immediately prior to the publication of this order in the Official Gazette and thereafter exported within a span of sixty days from the said date ; and
- (iv) the contractual specifications as agreed upon between the foreign buyer and the exporter—

Provided that in the case of the specifications recognised under clause (iv) above, for the characteristics not specifically stipulated in the export contract between the foreign buyer and the exporter, the same as mentioned in clause (i) or clause (ii) above would be applicable.

- (b) Sampling (wherever required) for testing shall be based on a recorded investigation.
- (c) Adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer.
- (iv) Preservation control.—(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather conditions.
- (b) The product shall be well preserved both during storage and transit.
- (v) Metrological control.—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards by the manufacturer.
- (vi) Packing control.—The manufacturer shall lay down a detailed packing specification for export packages and shall strictly adhere to the same.

2. Inspection.—The inspection of steel wire strands meant for export shall be done by drawing samples as per Schedule II annexed hereto from the consignments for carrying out examinations and testing of the same with a view to see that the consignment conforms to the standard specifications recognised by the Central Government under section 6 of the Act.

4. Basis of inspection.—Inspection of steel wire strands intended for export shall be carried out with a view to see that the same conform to the specifications recognised by the Central Government under section 6 of the Act which are reproduced at Schedule III appended to these rules either,

- (a) by ensuring that during the process of manufacture the quality control drills as specified in sub-rule (i) of rule 3 have been exercised ;
- or
- (b) on the basis of inspection carried out in accordance with the sub-rule (2) of rule 3 ;
- or
- (c) by both,

5. Procedure of inspection.—(1) (a) Any exporter intending to export a consignment of steel wire strands shall give an intimation in writing to any one of the agencies of his intention so to do, and submit alongwith such intimation a declaration, either that the consignment of steel wire strands has been or is being manufactured by exercising quality control

measures as per control referred to under sub-rule (1) of rule 3 and that the consignment conforms to the standard specifications recognised for the purpose ; or, of the specifications stipulated in the export contract giving details of all the technical characteristics to enable the agency to carry out inspection in accordance with sub-rule (2) of rule 3.

(b) The exporter shall at the same time endorse a copy of such intimation to the nearest office of the Council. The addresses of the Council offices are as under :—

Head Office.—Export Inspection Council World Trade Centre (7th floor) 14/1-B, Ezra Street, Calcutta-700001.

Regional Offices.—(i) Export Inspection Council Aman Chambers (4th floor) 113, M. Karve Road, Bombay 400004.

(ii) Export Inspection Council Manohar Buildings, Mahatma Gandhi Road, Ernakulam, Cochin-682011.

(iii) Export Inspection Council 3, Municipal Market Bldg. Saraswati Marg, Karol Bagh, New Delhi.

(2) The exporter shall also furnish to the Agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than seven days prior to the despatch of the consignment from the manufacturer's premises, or exporter's premises.

(4) (a) On receipt of the intimation and declaration under sub-rule (1), the agency on satisfying itself on the basis of inspection carried out as provided for under rule 4 and the instruction, if any, issued by the Council in this regard, that the consignment has been manufactured according to the standard specification applicable to it within seven days shall issue a certificate declaring the consignment of steel wire strands as exportworthy ;

Provided that where the agency is not so satisfied it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

(b) Except in cases where the exporter is himself the manufacturer of the consignment of steel wire strands and the inspection is carried out according to the provisions of sub-clause (a) or (c) of Rule 4, in all other cases, after completion of inspection, the Agency shall immediately seal the packages of the consignment in a manner so as to ensure that the sealed goods cannot be tampered with. In case of rejection of the consignment, if the exporter so desires, the consignment may not be sealed by the agency. In such cases, however, the exporter shall not be entitled to prefer an appeal against the rejection.

6. Place of inspection.—Inspection of steel wire strands for the purpose of these rules shall be carried out :

- (a) at the premises of the manufacturer,
- or

(b) at the premises at which the consignment of steel wire strands is offered for inspection by the exporter, provided adequate facilities for the purpose of inspection and testing exist therein.

7. Inspection fee.—A fee at the rate of fifty paise for every one hundred rupees of the free on board value of the consignment subject to a minimum of rupees one hundred for each consignment shall be paid by the exporter to the agency as inspection fee under these rules.

8. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 5, may, within ten days of the receipt of the communication of such refusal prefer an appeal to an appellate panel consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) At least two thirds of the total membership of the panel shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within 15 days of its receipt.

SCHEDULE I

[See sub-rule (1) of rule 3]

Sl. No.	Test/Inspection characteristics	Requirements	No. of samples to be tested	Lot Size	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1. Materials					
	Sulphur and phosphorous contents	As per standard specification	1	Each & every heat or cast of coils.	Whenever the chemicals composition is supported by producer's test certificate one sample from 5 heat or casts of the coils may be tested.
2. Individual wires before stranding					
(a)	Size	-do-	1	Each coil	
(b)	Tensile strength	-do-	1	-do-	
(c)	Torsion	-do-	1	-do-	
(d)	Wrapping	-do-	1	-do-	
(e)	Uniformity Zinc coating	-do-	1	Every two hours production of one size.	
(f)	Weight of zinc coating	-do-	1	Each coil.	
(g)	Freedom from defects	-do-		Adequate number based on recorded investigation.	
(h)	Any other test	-do-		-do-	
3. Completed stand					
(a)	Size	-do-	1	Each roll	
(b)	Director of lay	-do-	1	-do-	
(c)	Lay Length	-do-	1	-do-	
(d)	Freedom from defects	-do-	1	-do-	
(e)	Performing	-do-	1	-do-	
(f)	Breaking Strength	-do-	1	Each production length	
(g)	Yield strength	-do-	1	-do-	
(h)	Weight of strand	-do-	1	Adequate number based on recorded investigation.	
(i)	Any other test	-do-	1	-do-	
4. Individual wires from finished strand.					
(a)	Tensile strength	-do-	3	Each production length	If one or more wires fail in testing, three more wires shall be tested and production length accepted only when there is non-failure in re-testing.
(b)	Torsion test	-do-	3	-do-	

SCHEDULE II

[See sub-rule (2) of rule 3]

Sampling for Consignmentwise Inspection

(1) The consignment of steel wire strands shall be subjected to inspection and testing to ensure conformity of the same to the standard specification applicable to it.

(2) For the purpose of such inspection, the contractual specification as agreed upon between the foreign buyer and the exporter shall form the basis of inspection.

For the characteristics not specifically stipulated in the

contractual specification, the same as given in the Indian or other National Standards or specifications issued by International Organisations like International organization for Standardization, International Electrotechnical Commission, American Petroleum Institute and the like, shall form the basis of inspection.

(3) In the absence of specific stipulation in the contractual specifications as regards sampling and criteria for conformity the same laid down in Tables and IX appended hereto shall become applicable.

TABLE I

Quantity of steel Wire Strand of each Number of sam-
type size and grade ples of strand to
be drawn.

(1)	(2)
Upto 1500 metres	2
Over 1500 metres and upto 9000 metres	4
Over 9000 metres and upto 45,000 metres	6
Over 45,000	8

TABLE II

Sl. No.	Characteristic	Number of samples to be tested	Permissible number of defectives
(1)	(2)	(3)	(4)

1. Complete strand
(a) Size
(b) Direction of lay
(c) Lay length
(d) Freedom from defects
(e) Preforming
(f) Weight of strand

As per Table

Nil

(g) Breaking strength
(h) Yield strength and elongation
(i) Any other test

Half the number of samples drawn as per Table I.

2. Individual wire from strands

(a) Tensile test
(b) Torsion test

(a) All the wires in the strands drawn as per Table I except those for testing complete strand for construction upto 7 wire strand.

(b) Half the number of wires chosen at random from the strands drawn as per table I except those for testing complete strand for other constructions.

SCHEDULE III

(See rule 4)

Specifications Recognised for Steel with Strands under Section 6 of the Act

(a) the relevant Indian or other National standard specification.

(b) the specifications issued by National or International organisations like international Organization for standardisation, American Petroleum Institute international Electricals Commission and the like.

(c) the contractual specifications as agreed upon between the foreign buyer and the exporter for such export contracts as were entered into immediately at prior to the export publication of the order in the Official Gazette, and thereafter exported within a span of sixty days from the said date; and

(d) the contractual specifications as agreed upon between the foreign buyer and the exporter:

Provided that in the case of specifications recognized under clause (d) above, for the characteristics not specifically stipulated in the export contract between the foreign buyer and the exporter, the same as mentioned in clause (a) or clause (b) above would be applicable.

[No. 6(20)/71-EI&EP]
C. B. KUKRETI, Jt. Director

विदेश मंत्रालय

नई दिल्ली, 4 जून, 1979

क्रा०मा० 2126. — उत्प्रवास अधिनियम 1922 (1922 का 7वां) के खंड 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद् द्वारा श्री के०बी० कृष्णमचारी, सहायक पासपोर्ट अधिकारी, के स्थान पर, जिन्होंने निवर्तमान आयु को प्राप्त होने की तारीख से अपने पद का कार्यभार छोड़ दिया, 31 मार्च, 1979 के अपराह्न से श्रीमती जी० सैल, जन सभ्यक अधिकारी, को अपने कार्यों के अतिरिक्त, क्षेत्रीय पासपोर्ट एवं उत्प्रवास कार्यालय, मद्रास में, उत्प्रवास संरक्षक भी नियुक्त करती है।

[सं० सी पी इ प्रो/9/79]
एस० के० वर्मा, प्रवर सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 4th June, 1979

S.O. 2126.—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central Government hereby appoints Smt. G. Sell, Public Relations Officer, to be Protector of Emigrants, in the Office of the Regional Passport & Emigration Office, Madras with effect from the afternoon of 31st March, 1979, in addition to her own duties, vice Shri K. V. Krishnamachari Assistant Passport Officer who relinquished charge on the same date on attaining the age of superannuation.

[No. CPEO/9/79]
S. K. VERMA, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 6 जून, 1979

शुद्धि पत्र

क्रा०मा० 2127. — कार्मिक और प्रशासन सुधार विभाग ने इस मंत्रालय को सूचित किया है कि वि सेक्रेटरी ग्राफ स्टेट सचिव (मेडिकल सर्टिफिकेट)

रूल्स, 1938 को एक अक्टूबर, 1972 में रद्द कर दिया गया है, अतः इस मंत्रालय की तारीख 22 जुलाई, 1978 की अधिसूचना संख्या 11012/7/78-सी०जी०एच०एस० (पी) (ए) केन्द्रीय सरकार स्वास्थ्य योजना (जयपुर) नियमावली, 1978 के पैरा-3 में आए शब्द "दि सेक्रेटरी आफ स्टेट्स सविसेज (मेडिकल एटेंडेंट्स) रूल्स, 1938" को हटा दिया गया माना जाये।

[सं० एस० 11012/7/78-सी०जी०एच०एस० (पी) (ए)]

श्रीमती आशा शर्मा, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 6th June, 1979

CORRIGENDUM

S.O. 2127.—The Department of Personnel and Administrative Reforms have informed this Ministry that the Secretary of State Service (Medical Attendance) Rules, 1938, have been repealed from the 1st October, 1972, therefore, the words "the Secretary of States' Services (Medical Attendance) Rules, 1938" appearing in para 3 of this Ministry's Notification No. S. 11012/7/78-CGHS(P)(A) dated the 22nd July, 1978 Central Government Health Scheme (Jaipur) Rules, 1978 may be treated to have been deleted.

[No. S. 11012/7/78-CGHS(P) (A)]

MRS. ASHA SHARMA, Under Secy.

आदेश

नई दिल्ली, 12 जून, 1979

क्र०आ० 2128.—यतः भारत सरकार के मूलपूर्व स्वास्थ्य मंत्रालय की 27 मार्च, 1962 की अधिसूचना सं० 16-15/61-एस० 1 द्वारा केन्द्रीय सरकार ने निवेश दिया है कि भारतीय प्रायुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए बैलेगिया विश्वविद्यालय, स्पेन द्वारा प्रदत्त एल०एम०एस० चिकित्सा अर्हता मान्य चिकित्सा अर्हता होगी;

और यतः डा० एंजील्स एसिल्ला विजकारा जिनके नाम उक्त अर्हता है, धर्मार्थ कार्य के प्रयोजनों के लिए फिलहाल नाजरेथ अस्पताल लेटु मखराह, शिलांग के साथ सम्बद्ध हैं।

अतः अब, उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक के भाग (ग) का पालन करते हुए केन्द्रीय सरकार एतद्वारा :-

1. इस आदेश के सरकारी राजपत्र में प्रकाशित होने की तारीख से दो वर्ष की अवधि, अवधि
2. उस अवधि को जब तक डा० एंजील्स एसिल्ला विजकारा नाजरेथ अस्पताल लेटुमखराह, शिलांग के साथ सम्बद्ध रहते हैं, जो भी कम हो वह अवधि विनिश्चित करती है, जिसमें पूर्वोक्त डा० मेडिकल प्रैक्टिस कर सकेंगे।

[संख्या बी० 11016/4/79-एम०ई० (पी०)]

ORDER

New Delhi, the 12th June, 1979

S.O. 2128.—Whereas the notification of the Government of India in the late Ministry of Health No. 16-15/61/MI, dated the 27th March, 1962 the Central Government has directed

that the Medical Qualification, L.M.S. (Valencia University, Spain) shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Engles Scilla Vizaarra, who possesses the said qualification is for the time being attached to the Nazareth Hospital Laitumkhrah Shillong for the purposes of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies :-

- (i) a period of two years from the date of publication of this order in the official gazette, or
- (ii) the period during which Dr. Angles Ercilla Vizaarra, is attached to the said Nazareth Hospital, Laitumkhrah, Shillong.

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/4/79-M.E.(Policy)]

क्र०आ० 2129.—भारतीय प्रायुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा -11 की उपधारा -2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रायुर्विज्ञान परिषद् के साथ परामर्श करने के पश्चात् एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है अर्थात् :-

उक्त अनुसूची में :-

1. मगध विश्वविद्यालय से संबंधित प्रविष्टियों में 'पंजीकरण का संक्षेपण' वाले कालम की प्रविष्टि में "31 मार्च, 1979" के अंकों, अक्षरों तथा शब्द के स्थान पर "30 अप्रैल 1980" अंक, अक्षर और शब्द रखे जाएं।

2. उत्तरी बंगाल विश्वविद्यालय सिलीगुड़ी, संबंधी "प्रविष्टियों का संक्षेपण" वाले कालम में "14 फरवरी, 1979" के अंकों, अक्षरों तथा शब्द के स्थान पर "30 अप्रैल, 1980" अंक, अक्षर और शब्द रखे जाएं।

3. भागलपुर विश्वविद्यालय संबंधी प्रविष्टियों में 'पंजीकरण का संक्षेपण' वाले कालम में "31 मार्च, 1979" के अंकों, अक्षरों और शब्द के स्थान पर "30 अप्रैल, 1980" अंक, अक्षर और शब्द रखे जाएं।

4. अन्त में निम्नलिखित प्रविष्टि रखी जाए, अर्थात् :-

“बुद्धवान विश्वविद्यालय	{	बैंगलूर आफ	एम० बी० बी०
		मैडिसन तथा	एस०
		बैंगलूर आफ	
		सर्जरी।	

30 अप्रैल, 1980 से पहले प्रदान करने पर यह अर्हता एक मान्यता-प्राप्त चिकित्सा अर्हता होगी।

[सं० बी०-11015/8/79-एम० ई० (पी०)]

भार० बी० श्रीनिवासन, उप सचिव

S.O. 2129.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:-

In the said Schedule :-

(1) in the entries relating to Magadh University, in the entry in the Column "Abbreviation for Registration", for the figures, letters and word "31st Mach. 1979", the figures, letters and word "30th April, 1980" shall be substituted;

(2) in the entries relating to North Bengal University, Silliguri, in the entry in the Column "Abbreviation for re-

gistration", for the figures, letters and word "14th February, 1979", the figures, letters and word "30th April, 1980" shall be substituted ;

(3) in the entries relating to Bhagalpur University, in the entry in the column "Abbreviation for registration", for the figures, letters and words 31st March, 1979", the figures letters and words "30th April, 1980" shall be substituted ;

(4) the following entries shall be added at the end, namely :—

"Burdwan University Bachelor of Medicine . . . M.B.B.S. and Bachelor of Surgery.

This qualification shall be a recognised medical qualification when granted before the 30th April, 1980."

[No. V. 11015/8/79-ME(P)]
R. V. SRINIVASAN, Dy. Secy.

परमाणु ऊर्जा विभाग

मुम्बई, 6 जून, 1979

का० प्रा० 2130.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिकारियों की वेदखाना) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित मरणी के स्मृति (1) में उल्लिखित अधिकारी को, जो सरकार का राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सपदा अधिकारी नियुक्त करती है और उक्त मरणी के स्मृति (2) में विनिर्दिष्ट सरकारी स्थान की यात्रा अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा प्रदत्त शक्तियों का पालन या उसके अधीन अधिराजित करने के लिए निर्देश करेगा :

अधिकारी का पदनाम (1)	सरकारी स्थान का प्रवर्ग (2)
प्रशासनिक अधिकारी-II नरारा परमाणु ऊर्जा परियोजना हाकसर :-नरारा, जिला :- बुलन्दशहर, उत्तर प्रदेश	नरारा परमाणु ऊर्जा परियोजना, नरारा हाकसर :-नरारा, जिला :- बुलन्दशहर, उ० प्र० के या उसके प्रबंध के अधीन वाले स्थान । [का० म० 13/12/73 एच] सी० जे० जोसफ, अवर सचिव

DEPARTMENT OF ATOMIC ENERGY

Bombay, the 6th June, 1979

S.O. 2130.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being a Gazetted officer of Government to be the Estate Officer for the purpose of the said Act, and the said Officer shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table :

Designation of the officer (1)	Categories of Public premises (2)
Administrative Officer-II Narora Atomic Power Project P.O. Narora District : Bulandshahar U.P.	Premises belonging to or under the management of Narora Atomic Power Project, Narora, P.O. Narora, District : Buland- shahar, U.P.

[File No. 13/2/73-H]
C. J. JOSEPH, Under Secy.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 7 जून, 1979

का० प्रा० 2131.—केन्द्रीय सरकार, वायुयान नियम, 1937 के नियम 3 के उपनियम (2) के अनुसूचन में, भारत सरकार के पर्यटन और नागर विमानन मंत्रालय की अधिसूचना सं० का० प्रा० 3563, तारीख 29 सितम्बर, 1976 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की प्रथम अनुसूची में, "नियंत्रक, वैमानिक निरीक्षण" प्रविष्टि के सामने, स्तम्भ 2 में, "38" श्रंको के पश्चात् "46" श्रंक अन्तः स्थापित किए जाएंगे ।

[का० सं० ए० 11012/14/76-A/AR/1937(3)/1979]

एस० ए० कम्बराम्, उप सचिव

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 7th June, 1979

S.O. 2131.—In pursuance of sub-rule (2) of rule 3 of the Aircraft Rules, 1937, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Tourism and Civil Aviation No. S.O. 3563, dated the 29th September, 1976, namely :—

In the said notification in the First Schedule, against the entry "Controller of Aeronautical Inspection", in column 2, after the figures "38", the figures "46" shall be inserted.

[F. No. AV 11012/14/76-A/AR/1937(3)/1979]

S. EKAMBARAM, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 12 जून, 1979

का० प्रा० 2132.—केन्द्रीय सरकार का समाधान हो गया है कि लोक हित में ऐसा अपेक्षित है कि बैंक नोट प्रेस, देवास, की सेवाओं को, जिन्हें उक्त अधिनियम की प्रथम अनुसूची में प्रविष्टि 22 द्वारा शामिल किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए ;

अतः श्रम, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार बैंक नोट प्रेस, देवास की सेवाओं को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छ. मार की कान्वाबन्धि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० एस० 11017/12/79/श्री 1 (प)]

MINISTRY OF LABOUR

New Delhi, the 12th June, 1979

S.O. 2132.—Whereas the Central Government is satisfied that the public interest requires that service in the Bank Note Press, Dewas which is covered by entry 22 in the First Schedule to the said Act, should be declared to be public utility service for the purposes of the said Act ;

Now, therefore in exercise of the powers conferred by sub-clause (vi) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said service to be a public utility

service for the purposes of the said Act for a period of six months.

[No. S. 11017/12/79/D.O. I(A)]

नई दिल्ली, 8 जून, 1979

कां० 2133.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित या औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां० 3672 तारीख 8 दिसम्बर, 1978 द्वारा सिक्कुरिटि पेपर मिल, हौशंगाबाद को उक्त अधिनियम के प्रयोजनों के लिए 18 दिसम्बर, 1978 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (6) के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों को 18 जून, 1979 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस० 11017/10/79/डी 1 ए]

New Delhi, the 8th June, 1979

S.O. 2133.—Whereas the Central Government having been satisfied that the public interest so required had in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 3672 dated the 8th December, 1978, the Security Paper Mill, Hoshangabad, to be a public utility service for the purposes of the said Act, for a period of six months from the 18th December, 1978;

And whereas the Central Government is of the opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 18th June, 1979.

[No. S. 11017/10/79/DI(A)]

कां० 2134.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां० 3673 तारीख 8 दिसम्बर, 1978 द्वारा उक्त अधिनियम की धारा 2 के खण्ड (ख) में यथोपरिभाषित बैंकिंग कम्पनी द्वारा चलाए जा रहे बैंकिंग उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर, 1978 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (vi) के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को 234GI/79—5

अधिनियम के प्रयोजनों के लिए 29 जून, 1979 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस० 11017/11/79/डी 1 ए]

एल० के० नारायणन, डेस्क अधिकारी

S.O. 2134.—Whereas the Central Government having been satisfied that the public interest so required, had in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 3673 dated the 8th December, 1978, the Banking Industry carried on by a banking company as defined in clause (bb) of section 2 of the said Act, to be a public utility service for the purposes of the said Act, for a period of six months from the 29th December, 1978;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 29th June, 1979.

[No. S. 11017/11/79/DI(A)]

L. K. NARAYANAN, Desk Officer.

S.O. 2135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the employers in relation to the management of East Donger Chickli Colliery, Pench Area, Western Coalfields Limited, Parasia, District Chhindwara, M.P. and their workmen which was received by the Central Government on the 2nd June, 1979.

IN THE MATTER OF ARBITRATION UNDER SECTION 10A(1) OF THE INDUSTRIAL DISPUTES ACT, 1947

PARTIES :

Management of East Donger Chickli Colliery, Pench Area, Western Coalfields Ltd. Parasia, District Chhindwara, (M.P.).

AND

The Workmen represented by M. P. Rashtriya Koyla Khadan Mazdoor Sangh.

PRESENT :

Mr. Justice J. Narain (Retd.), Former Presiding Officer, Central Government Industrial Tribunal, Bombay.

APPEARANCES

For the Employers.—1. Shri N. V. Pavagi, Senior Personnel Officer, and

2. Shri P. S. Nair, Advocate.

For the Workmen.—1. Sri S. S. Bhardwaj, Secretary, M.P.R.K.K.M. Sangh, (INTUC).

2. Sri Rajendra Singh Gautam, Vice President, Branch ED Colliery, (INTUC).

Dated Patna, the 29th May, 1979

AWARD

An Industrial Dispute existed between the Employers in relation to the management of the East Donger Chickli Colliery (EDC Colliery) Pench Area, Western Coalfields Ltd., Parasia and their workmen and the Employers and workmen by a written agreement under section 10A(1) of the Industrial Disputes Act agreed to refer the above dispute

for arbitration. As such the Central Government under section 10A(3) of the Industrial Disputes Act published the above agreement. Under this agreement the dispute was referred to me and the terms of reference is as follows :—

"Whether the refusal of the Management of the Western Coalfields Ltd. Pench Area to provide employment to 39 Ex-DPR Workers of EDC Colliery beyond the date mentioned against each as listed in the annexure is justified and if not to what relief the said Ex-DPR workers are entitled".

1. The annexure appended to the agreement set out the details of workmen, their token number and the date of their last employment. In one case the date of last employment was November, 1976, in some cases it was March, 1977, in some April, 1977 and in some May, 1977 and so on and the last date was in June, 1977.

2. The workers were represented by the General Secretary of the M. P. Rashtriya Koyla Khadan Mazdoor Sangh (hereinafter referred to as the Union). Their written statement was to the following effect.

3. The 39 workmen in question were engaged by the Colliery Contractor Shri Sher Akhmed in 1974 for driving in the Stone Drifts and miscellaneous stone cutting in underground at East Dongar Chickli Colliery and they continued to work till 1-4-1976. Meanwhile Contract Labour (Regulation and Abolition Act, 1970) came into force. Section 10 of the Act prohibited employment of Contract Labour. A notification dated 15th February, 1974, was issued by the Government of India in the Ministry of Labour which read as follows :—

"In exercise of the power conferred by Sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (3V of 1970) the Central Government, after consultation with the Central Board hereby prohibits employment of Contract Labour in the work, specified in the Schedule annexed hereto in all Coal Mines".

SCHEDULE

- (i) Raising or raising-cum-selling of Coal.
- (iii) Coal loading and unloading.
- (ii) Overburden removal and earth cutting.
- (iv) Soft coke manufacturing.
- (v) Driving of Stone Drifts and Miscellaneous—stone cutting underground.

Note.—Published in the Gazette dated 1-2-1975 as S.O. No. 488.

Sd/-

P. P. Kanthan, Under Secy.

4. The management, however, allowed the Contractor Shri Sher Akhmed to continue to work even after this circular for about 19 months i.e. from 1-2-1975 to 1-4-1976 and as a result he was prosecuted and fined Rs. 175 by the Court of Chief Judicial Magistrate on 1-4-1976. The contention of the union is that instead of taking these 39 workmen on the managements, roll at EDC Colliery with effect from 1-2-1975 as was done in sister collieries of Pench Area they were continued under the Contractor. Another unfair labour practice which the management indulged in was to engage about 32 to 40 DPRs directly on their roll with effect from 10-6-1974 (details about them are given in annexure A to the written statement) and they continue to be employed till now. The management took these 39 workmen on their roll with effect from 2-4-1976 on periodical appointment. From 2-4-1976 to 6-6-1977 these workmen were engaged on various types of time rated, piece rated jobs namely, explosive carriers, dressers, trammers, raising mates, wagon loaders etc. In April, May and June 1977 they were engaged as wagon loaders at Parasias B.G. Railway siding for loading coal for Ravanwara and Ravanwara Khas Collieries. They were also transferred to Barkui Colliery but were sent back as there was no job there. Some of them were also issued warning letter and that they had availed themselves of privilege leave, sick leave and injury benefits and have received bonus, railway

fare and were members of Coal Mines Provident Fund Scheme. Clause 3(b) of the Certified Standing order says that a permanent workman is one who is appointed for an unlimited period or who has satisfactorily put in 3 months' continuous service in a permanent post as a probationer. The contention of the union is that these workmen were permanent employees whose services were terminated verbally and finally on 7-6-1977 which is in contravention of section 22(2) of the Industrial Disputes Act and it amounts to illegal lock out. The workmen themselves and through the union negotiated with the management but to no effect and Conciliation Proceeding also ended in failure. As such their prayer is that they should be reinstated with full back wages with continuity of service with retrospective effect.

5. The written statement of the management of EDC Colliery has stated that EDC Colliery is one of the collieries in the Pench area of the Western Coalfields. Shri Sher Akhmed was the Contractor working in the colliery for some time prior to 2-4-1976. These 39 workers were employed by him for the specific job of drifting work that is, driving of the stone drift in the coal. Under the Contract Labour Regulation and Abolition Act, 1970 contract of Shri Sher Akhmed had to be discontinued from 2-4-1976. Coal seams are intercepted by faults. During the development and extraction activities of coal, faults are found intermittently at times. For going through the faults extra drift drivage is required. This work is of intermittent and temporary nature. As such there was no necessity of a permanent employment for these workmen and exigencies were met by the employment of temporary workers. After the enforcement of notification issued by the Government of India prohibiting Contract work, the management of EDC Colliery employed these 39 workers from 2-4-1976 to 6-6-77 intermittently on a temporary basis as and when required. In fact the management went out of their way to help these workers as far as possible within their powers, but after 6-6-1977 there was no further need of these workers in the colliery since the colliery was over staffed. Against the sanctioned strength of 1295 the colliery has a strength of 1467 and it was not feasible or reasonable to continue the temporary employment of these employees. The workers started agitation and hunger strike was resorted to by them, and the conciliation proceeding ended in failure. Further case of the Management is that prior to 2-4-1976 none of these workers was employed by the Management of EDC Colliery but they were employees of the Contractor alone and that there was no employer-employee relationship between them. After termination of the Contract work the Management was under no obligation to employ these 39 workers, they however, as a measure of goodwill, gave them temporary appointments from time to time as detailed below :—

- (i) From 2-4-1976 to 1-6-1976.
- (ii) from 18-6-1976 to 17-8-1976.
- (iii) from 1-9-1976 to 31-10-1976.
- (iv) from 19-11-1976 to 14-1-1977.
- (v) from 4-3-1977 to 3-4-1977.
- (vi) from 7-5-1977 to 6-6-1977.

6. Whenever these appointments were given to the workers it was specifically mentioned and made clear to each one of the workers that it was on a temporary basis and that their services will come to an automatic end on completion of their appointment without any further notice. After understanding the nature of appointment the workers had accepted the appointments willingly and without any objection. According to the definition of permanent workmen as given under section 3(b) of the Certified Standing Order none of these 39 workers were appointed for an unlimited period or had put in 3 months' continuous service in a permanent post as a probationer. Their appointment was purely temporary/casual. As such they cannot claim themselves to be permanent employees under the Certified Standing Order which is applicable to the EDC Colliery. It is also the case of the Management that the Pench area of the Western Coalfields Ltd. and especially the EDC Colliery has excessive man power than required and there is no chance of further employment of any worker without creating serious difficulties. There is already a ceiling on the man power and a recruitment in the collieries is prohibited. The EDC colliery is also running in heavy loss and the Management cannot give appointment to these 39 workers.

7. The Union filed a rejoinder to the statement of the Management wherein it has contended that by virtue of enactment of the Contract Labour (Regulation and Abolition Act) 1970 and C. No. S-16011/1/74-LW dated 1-2-1975 the job of driving of stone drifts and miscellaneous stone cutting underground has been declared as permanent nature of job and not of intermittent and temporary nature as alleged. The Union denied that there was no relationship of employer-employee prior to 2-4-1976.

8. The Management also filed a rejoinder to the statement of claim of the Union. It is contended therein that their Contractor Shri Sher Akhmad had engaged some workers in driving of the stone drift work which work was essentially of temporary, intermittent and uncertain nature. Some time faults occurred in the colliery which required additional employment. Therefore, the work was purely of casual and temporary nature. It was for administrative convenience and other reasons that the Contractor had to be employed for this work. There was no practice of taking contractor's workers on the Company's rolls nor there was such practice in this colliery. The Management could not take these workers as there was no need for such workers nor was there any vacancy. The allegation of unfair labour practice is denied. It is also denied that the Management had engaged 32 to 40 DPR directly on the rolls with effect from 10-6-1974. It is also denied that these workmen were engaged in various jobs from 2-4-1976 to 6-6-1976. Whenever job was available these workers were engaged but as and when jobs were not available Management could not employ them. It is contended that the workers concerned are not permanent workmen and that they were not employed for an unlimited period and there was no question of lock-out as alleged.

9. On behalf of the Union three affidavits have been filed. Two of them are of the workmen, namely, Shri Shaikh Rashid and Shri Maneka and the third by Shri Bharadwal, Secretary of the Union. The Management has filed the affidavit of Shri N. V. Pavagi, the Senior Personnel Officer. Besides the two workmen whose affidavits have been filed, four witnesses were examined on behalf of the Union and three on behalf of the Management. As desired by the Union Shri N. V. Pavagi, who had sworn affidavit on behalf of the Management, was produced for cross-examination. Besides the oral evidence the parties filed a number of documents which were taken on record.

10. The parties have been heard on the question whether the job of driving of stone drifts and miscellaneous cutting underground is of permanent nature or intermittent and temporary. In this regard there is oral evidence of the parties and the presumption of law arising out of section 1 of the Contract Labour (Regulation & Abolition Act), (hereinafter to be referred to as 'the Act') and certain other circumstances which are dealt below. Shri Jharoo, W.W.6 has stated that he used to work under the Contractor Shri Sher Akhmad and after termination of his contract, the workers have continued to work in the Colliery and are doing the same work which they were doing before. On behalf of the Management E.W.2 Shri S. K. Jain, however, has stated that these 30 ex-DPRs used to do the work of stone drifting, removal of stone after the floor was blasted, malma (debris) cleaning and stacking and miscellaneous underground hajris as per work order Ext.E(1). E.W.3 Shri C. B. Jain has explained that by drifting work we mean that when we work in coal seam we meet dyke, that is, a stone intrusion and faults and as such we have to work in stone for a long distance to get the coal seam on the other side of the dyke/fault. This is a temporary nature of work and is required to be done only when we get such a position. According to him after the termination of service of these employees such type of work did not come up in E.D.C. Colliery till the date of his deposition. Evidence of Shri N.V. Pavagi (E.W.4) is that work of stone drifting driving is of temporary nature. It has been, however, taken out from Shri J. K. Jain (E.W.2) that the work of a stone drifting and miscellaneous stone cutting, etc., to a lesser or greater degree remain associated with the entire life of a mine. This, however, does not mean, that it is a continuous nature of work. In my opinion, there is truth in what the witnesses on behalf of the Management have deposed.

11. In order to invoke the provisions of the Act reliance is placed upon section 1(5)(a) & (b) and the explanation appended thereto. Sub-section reads as follows:—

5(a) It shall not apply to establishments in which work

only of an intermittent or casual nature is performed.

- (b) If a question arises whether work performed in an establishment is of an intermittent or casual nature, the appropriate Government shall decide that question after consultation with the Central Board or, as the case may be, a State Board, and its decision shall be final.

Explanation.—For the purpose of this sub-section, work performed in a establishment shall not be deemed to be of an intermittent nature.

- (i) If it was performed for more than one hundred and twenty days in the preceding twelve months.

12. The argument is that admittedly the Act, which came into force on the 10th February, 1971 has been applied to this establishment and therefore, the presumption will be that it is an establishment in which intermittent or casual nature of work is not at all performed. It is difficult for me to agree with the submission. In my opinion, the only conclusion that can be drawn would be that it is an establishment in which work only of an intermittent or casual nature is not performed. Again, it is difficult for me to draw my conclusion from the aforesaid explanation since there is no evidence to show that the work in question was performed for more than 120 days in the preceding twelve months. The Union has filed Exts. W(22) and W(23) giving the number of days for which the work was performed, but, they do not relate to the 12 months preceding the date when the Act came into force. Therefore, it is difficult to agree with the contention advanced on behalf of the Union.

13. As already stated above the Act came into force on 1.2.1975. It is common ground that even thereafter the Contractor Shri Sher Akhmad continued to work and for contravention of the provisions of the Act from 1.2.1975 to 1-4-1976 he had been convicted. It is the case of the Management that these 39 workers were engaged in piece-rated jobs from 2-4-1976 till 6-6-1977 for temporary periods, and that in April, May and June, 1977 due to absence of stone drifting work but actuated by humanitarian motive these workers were engaged as wagon loaders at Parasia. That they had been engaged as wagon loaders for the above period is not denied. In fact, there is document to show this. The case of the Management is that since after 2-4-1976 engagement of these workers was purely on temporary basis. For this purpose they have filed the appointment letters Ext. 11 series. They speak of appointment for a period of two months each. As against this, the contention on behalf of the Union is that engagement was continuous and these appointment letters were mere camouflage to shield the real affairs. In support of this contention reference has also been made to the fact that during this period the workers were granted have, bonus and Railway fare benefits, etc.

14. E.W.1 Shri K. K. Srivastava is the Labour Welfare Officer of E.D.C. Colliery. He says he was present when the appointment letters Exts. 11 series were delivered to the workers and that he explained the contents thereof to the workmen concerned. In token of having understood the contents, the workmen put their thumb mark or signature in his presence and that they had not taken any objection when the letters were delivered to them. He has also proved letters Exts. 12 and 12(1) by which the appointments were extended. It has been argued that these appointment letters were not delivered through a peon book and that the workmen did not understand what was contained therein. My attention was drawn to the fact that Ext. E(11) originally contained the period as three months but subsequently it was corrected to two months but no initial was put thereupon. Evidence of Shri K. K. Srivastava (E.W.1) has been criticised on the ground that that there is nothing to show that he was present when these letters were delivered to the workers and that there is no date when the thumb impression or signatures were put thereupon. I do not think there is substance in these contentions. It would have been better if the correction had been initialled but that, in itself, does not prove that the appointment letters are mere paper transaction. All the appointment letters contain the signature or thumb impression of the workers. No attempt was made to get proved, that these thumb impressions or signatures were not of the workmen which they purport to be. Evidence of E.W. 1 that he had explained the contents of appointment letters to the workmen is corroborated by Shri

G. B. Jain, E.W. 3, who was Manager of the Colliery at the relevant time. He has deposed that some of the appointment letters, namely, Exts. E(11), E.11(1), E(12) and E12(1) were given to workmen by E.W. 1 bearing his (E.W. 3's) signature and that he had instructed E.W. 1 to explain to the workers that the appointments were temporary and that the workers did not complain to him regarding their temporary appointments.

15. So far as evidence of W.W. 1 to W.W. 3 is concerned, they are not relevant since W.W. 1 worked under a different Contractor, W.W. 2 in another colliery and W.W. 3 also in another colliery and under another contractor. W.W. 4 Shri Maneka has deposed that no appointment letter was given to him by the Company. He has, however, admitted that the work of the workmen was stopped and that he had done the wagon loading work in the sidings of Rawanwara and Rawanwara Khas Colliery and he was paid bonus for these months by the E.D.C. Colliery. When he worked under the Contractor he used to get facilities like leave, bonus, etc. Payment of bonus used to be done by the clerks of the colliery and that salary also used to be paid by the clerks of the Colliery, namely, Gulab and Bhagwan Das who used to make payment during the contractor's time and thereafter also. He paid provident fund contribution also and his token number was 1741. He has deposed that he was continuously engaged on work. Evidence of Shri S. K. Rashid (W.W.5) is that after the contract of Shri Sher Akhmad was terminated he continued to work in the same colliery along with others and that the work of these workers was stopped on 6-6-1978. He has also spoken about sick leave, and payment of bonus, etc. having been made by the clerks of the colliery and of his contribution towards Provident Fund. Evidence of Shri Jharoo (W.W. 6) is on the same lines as that of W.Ws. 4 and 5. He speaks about the rail fare that he got in 1974.

16. From the above it will appear that on the question of appointment letters there is oath against oath. That there is truth in the evidence adduced on behalf of the Management follows from certain intrinsic circumstances. It will be noticed that the signatures or thumb impressions of these 39 workers on the appointment letters were never sent to the expert to show that they are not of the persons to whom they purport to belong. When Shri C. B. Jain (E.E. 3) was being cross-examined notice dated 1-3-1977 was produced on behalf of the Union and sought to be proved through him. He, however, could not identify the signature of the Manager which it purports to be and as such document was not carried as an exhibit but simply marked 'X' for identification. Without applying the strict rules of evidence necessary for proving the document, for the sake of getting at the truth I looked into this document. It says that the workers were offered appointment letters for a temporary period of one month from 29-2-1977 but they did not accept them and as such another opportunity to accept them within three days was being given to them failing which they will not be further given any work. This notification has been produced by the Union and is relied upon by them. This goes to a long way to show the truth of the Management's case about issue of temporary appointment letters from time to time. Ext. W(11) dated 18-10-1977 is a carbon copy of a letter written by the Manager of E.D.C. Colliery to the Manager Rawanwara Colliery and Rawanwara Khas Colliery asking them to pay the quarterly bonus since these workers had worked in their collieries. Alternatively it was stated that they should send their attendance and leave earning particulars so that payment could be made by the E.D.C. Colliery. This again corroborates the Management's case regarding intermittent service of these workmen.

17. Continuity of service of these workmen is sought to be indicated by reference to the notice (Ext. W. 14) and two other documents which could not be proved but have been marked as 'X-3' and 'X-4' for identification. Ext. W. 14 is a notice dated 22-11-1975 on the subject of Family Planning. It says that a worker who will get himself or herself sterilised will be paid Rs. 150 and leave with pay for this. It will be noticed that Ext. W. 14 was issued at the time when the workers were working under Shri Sher Akhmed. 'X-3' for identification is a discharged note from Barkin Hospital indicating that Shri Rashid was admitted on 28-8-1976 and discharged on 15-9-1976 and that he had developed some trouble after operation and when he became

all right he was discharged. 'X-4' for identification is a letter dated 18-4-1977 by the District Family Planning Officer addressed to the Manager, E.D.C. in respect of the application of Shri Rashid. It says that he was operated upon on 13-8-1976 and developed some trouble in his stomach and scrotum for which he was treated and that the correct date of his treatment in the hospital has not been correctly recorded as such sought necessary information from the colliery. I do not see how these documents support the case of the Union; rather they go a long way to prove the case of temporary appointment. Shri Shaikh Rashid is shown as serial no. 31 in Ext. W.22. According to this chart he was on temporary service from 18-6-1976 to 17-8-1976 and again from 1-9-1976 to 31-10-1976. When the Family Planning Officer himself says that the date of admission and discharge as given in the hospital record is not correct, case or the Management that he was on work for the two spells as indicated above cannot be doubted.

18. In order to show that there was direct relationship of Employer and Employee between the Management and these 39 workers even after the contract of Shri Sheikh Akhmad was terminated reliance is placed upon the fact that payment of bonus, etc. was made by the clerks of the Colliery and that mention about the same occurs in the registers of the Colliery. Ext. W. 21 is a statement from the Bonus Register showing the token number and the Provident Fund number of the different workers and the dates of appointment, etc. W. 18 is the G. P. Fund account of the worker Maneka and W.18 (a) of Sheikh Rashid. They do not disprove the theory of temporary appointments. In his affidavit Shri Pavagi has spoken about such payments. He has stated that "The P.F. membership is shown only for five workers and as per Coal Mines Provident Fund Scheme any workman whether he works under Contractor or the Management of any Coal Mines establishment puts prescribed number of days of attendance in a quarter becomes eligible for P. F. membership, whosoever completes the prescribed number of days for profit Sharing bonus becomes eligible for Profit Sharing bonus. So also whosoever puts in the prescribed number of attendances in the preceding year becomes entitled for leave with wages in the succeeding year irrespective of the workmen whether employed by the Contractor/Coal Mines establishment. Similarly quarterly bonus is paid to the employees of Coal Mines @ 10 per cent of the basic earned by an employee irrespective of workmen's working under contractor or directly with the Principal employer. So is the case of train-fare which is paid to the employees whether working with the contractor or with the Principal employer as per the provisions of Wage Board recommendations. The workmen are not the employees of the colliery from 1-2-1975. They were not engaged in permanent work." There is no denial of the above nor in the cross-examination of Shri Pavagi any fact has been elicited to disprove the above. As such payment of railway fare, bonus, Provident Fund, etc. cannot disprove the case of temporary appointments, nor can it lend weight to the case of the Union that there was direct relationship of Employer-Employee between the Management and the Union.

19. That there was direct relationship of Employer and Employee between the Management and these workmen is sought to be proved from yet another circumstance.

Period of work under the Contractor December, 1974 to 1st February, 1975.

Unauthorised working of the Contractor From 1st February, 1975 to 1st April, 1976.

Alleged temporary working under the Management from 2nd April, 1975 to 6th June, 1977.

It was argued that consequent on the Act coming into force there was no valid contract after 1-2-1975 and therefore, workers will be deemed to have been working under the direct employment of the Management. It is difficult for me to uphold this contention. No doubt, work through the contractor from 1-2-1975 to 1-4-1976 was unauthorised and in contravention of the Act but this will only mean and offence by the contractor and for which he was prosecuted and punished. This cannot ripen into a direct relationship between the Workers and the Management.

20. There has been controversy between the parties as to whether these workers worked for 190 days or 200 days in year. The number of days becomes relevant with reference to the definition of continuous service as given in section 25(B) of the Industrial Disputes Act and the question of retrenched compensation under section 25F. Section 25(B) says that a workman will be deemed to be in continuous service under a Employer for a period of one year if the workman during the period of twelve calendar months proceeding the date with reference to which calculation is to be made, has actually worked under the Employer for not less than 190 days in the case of a workman employed below ground in a mine section 25(F) says that no workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until the workman has been given one month's notice or the workman has been paid in lieu of such notice wages for the period of that notice. For the period the workmen worked under the Contractor, even if it be for 190 days remedy would lie against the Employer, namely, the contractor. So far as working under the Management from 2-4-1976 to 6-6-1977 is concerned, it has already been held above to be not an uninterrupted work for 190 days and, therefore, provisions of Section 25(F) are not available to the workmen.

21. While dealing with the appointment letters I have referred to one instance in which the period of three months was corrected to two months without any initial. This fact as also the fact that according to the Union there was an interrupted service by the workmen has relevance from the point of view of the definition of permanent or a probationer workmen as set out in the Standing Order (Ext. E. 7). Section (a) of the Order says that permanent workmen is one who is appointed for an unlimited period or who has satisfactorily put in 3 month's continuous service in a permanent post as a probationer. Under section 3(c) a probationer is one who provisionally employed to fill a vacancy in a permanent post and has not completed three month's service in that post. A close reading of these definitions in the context of the findings arrived at above will indicate that it is not case of permanent workmen or a probationer. It is also not a case where they were provisionally employed to fill a vacancy in a permanent post. Therefore, provisions of this Standing Order also cannot avail the workmen.

22. Some advantage is sought to be taken of the provisions of section 9(A) of the Industrial Disputes Act. This section makes it obligatory on the part of the Employer to serve a notice in case he proposed to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth schedule. It is urged that no such notice was issued and as such letter of temporary appointments are not valid. The above provisions, however, are not attracted since the workers were not in permanent service under the Management and which condition of service was changed by issue of temporary appointment letters.

23. One other circumstance has been pointed out to show the relationship of Employer and Employee between the Management and these workers. It has been taken out from E.W. 2 Shri J. K. Jain that "seven on eight months ago some arrear was paid to the piece-rated workers of the colliery namely Pump Loaders, Wagon loaders and DPRs which was for the years 1976 and 1977 and which was paid to those piece rated workers who had done time rated job as and when required. Some of these ex-DPRs have received such as arrear". Ext. W. 10 is the minutes of meeting held between the Management and the Representatives of INTUC. It shows that the payment was made to workers who were engaged on time rated jobs with effect from 1.1.1975 and statement was called for, for work done during the years 1975, 1976 and 1977. From 1.2.1975 to 1.4.1976 the contractor is said to have worked in contravention of the Act and these workers had worked under him. The argument is that if these workers had worked under the contractor, how payment was made by the Management. Since payment had been made by the Management it is urged that this shows that there was direct relationship of Employer and employee between the Management and these workers. It is difficult to draw such a conclusion. Ext. W.10 shows that it was to avoid strike that some arrangement had been arrived at between the management and the Union.

24. For the Union a decision of the Supreme Court report-

ted in A.I.R. 1978 page 1410 (Ext. W. 25) has been filed. The relevant portion of the decision is as follows:—

"If the livelihood of the workman substantially depends on labour rendered to produce goods and services for the benefit and satisfaction of an enterprise, the absence of direct relationship or the presence of dubious intermediaries or the make-believe trappings of detachment from the Management cannot snap the real life bond. The story may vary but the inference defies ingenuity. The liability can not be shaken off.

Of course, if there is total dissociation in fact between the disowning management and the aggrieved workmen, the employment is, in substance and real-life terms, by another. The Management's adventitious connections cannot ripen into real employment."

I have held above that there was total dissolution of fact between the disowning Management and the aggrieved workmen and, therefore, this decision cannot avail the Union.

25. During the course of arguments Mr. Nair, on behalf of the management raised two preliminary objections.

(i) That it is not a case of industrial dispute inasmuch as 39 Ex-D.P.Rs were not workmen under section 2(a) of the Industrial Disputes Act, and, (2) the Union, which represents them during the course of hearing, has no right to represent them. These objections were set out in the written statement dated 5.7.1978 filed by the management. This matter was taken up on 15.9.1978 and the order sheet says that the Management did not press the preliminary objections and the proceedings were continued thereafter till the present stage. Shri Nair submits that his junior, who had appeared on behalf of the Management that day, meant to say that the preliminary objections were not pressed at that stage but did not mean that he had given up these points. He also urged that these are law points and can be gone into at any stage. In order to avoid prejudice to the parties I then heard them on these points.

26. The substance of the argument of Shri Nair is that these 30 DPRs were no longer employees of the Management and as such are not workmen under section 2(a) which includes only those persons who were dismissed, discharged or retrenched. Now retrenchment under section 2(oo) means the termination by the employers of service of workmen for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action. Regard being had to the findings recorded above clearly it is a case of retrenchment and that being so these 3 ex-DPRs must be deemed to be workmen under the Act.

27. Shri Nair argued to substantiate that these 39 ex-DPRs do not belong to the M.P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), the Union in question and has invited my attention to the following documents, viz. Ext. W.6 dated 18-4-1978, Ext. E.4a, Ext. E.8 dated 2-8-1977 and Ext. E.6 dated 13-10-1977 filed before the Assistant Labour Commissioner. Ext. W.6 is a letter from 39 ex-DPRs to the Assistant Labour Commissioner saying that they were not the members of the INTUC Union and that Union had no right to refer the case for arbitration without their consent. A copy of this letter was forwarded to this Arbitrator. Ext. E.4a is a leaflet on behalf of the 39 ex-DPRs wherein mention has been made of strike and hunger strike and that the INTUC Union had colluded with the Management and betrayed them and that if within 15 days work was not given to them they would resort to hunger strike with effect from 20-4-1978. Ext. E.6 is the minutes of conciliation proceedings before the Assistant Labour Commissioner wherein also this stand was taken that the INTUC Union did not represent the ex-DPRs. In order to further corroborate this contention reference has been made to notice Ext. E.8 dated 2-8-1977 sent by the Bhartiya Koyala Khadan Mazdoor Sangh which is different from the INTUC Union in question.

28. In reply to my query as to why in the circumstance Management entered into an agreement with the INTUC Union for reference to Arbitrator, Shri Nair replied that the Management had no other alternative. The INTUC Union and the Management entered into agreement on 23-12-1977 to refer the matter to Arbitrator under section 10A and it was after the Government notification that the proceedings

started. The contention of Shri Nair is that situation on 23-12-1977 was such that the Management, in order to get time, had no choice but to enter into an agreement with the INTUC Union. In this connection reference was made to the fact that the workers had resorted to hunger strike on 7-10-1977, had prevented regular workers from going to the mines by squatting on inclines and the conciliation proceeding had also failed.

29. There are certain reasons why it is difficult for me to uphold this contention on behalf of the Management. Firstly, whether the 39 ex-DPRs belong to INTUC Union or to any other Union is a question of fact and cannot be allowed to be raised at the far end of the arguments. Secondly, on the petition Ext. W.6 on behalf of 39 Ex-DPRs a notice was issued to all the workmen to appear. When the matter was taken up on 5-8-1978. There was no appearance on behalf of these workmen. Shri Bhardwaj on behalf of the INTUC Union submitted on that day that these workers were the members of their Union and he has documents to prove that. In the circumstances no further action was taken on Ext. W.6. On 15-9-1978 the Management did not press this preliminary objection and as such the matter was proceeded further. In the circumstance it is too late in the day to re-open this question. It may be mentioned that out of 39 ex-DPRs 3 were produced by the INTUC Union and they have examined themselves. Moreover it seems that this question cannot be re-opened at this stage because of section 10A(3A) of the Industrial Disputes Act. The sub-section contemplates that it is for the Government to satisfy themselves that the persons making the reference represent the majority of each party. I must also say that the INTUC Union has vigorously put forward the case of these 39 ex-DPRs. Then again the term of reference being what it is, it would be beyond my jurisdiction to entertain this objection.

30. Shri Nair, for the Management next argued that the term of reference does not warrant a finding whether the termination of services was justified or not; what it contemplates is whether the refusal of the Management of Western Coalfields Limited, Pench Area, to provide employment to 39 ex-DPRs workers of E.D.C. Colliery beyond the dates mentioned against each as mentioned in the annexure is justified.

31. Now when can a person be employed by a Management? The answer obviously is when there is need, when there is a vacancy and when the person is fit and suitable for employment. Shri Nair strongly urged that in the present case there was nor is need of these workmen nor there was nor is any vacancy at present. In this connection he made reference to evidence of witnesses examined on behalf of the Management.

32. I have already stated that these ex-DPRs were employed for the work of stone drifting and stone cutting in mines underground and that the work was temporary and intermittent. Regard being had to the nature of work and the evidence referred to above it seems that there was no need of these persons nor is any need. No doubt they were engaged on minor jobs at times e.g. wagon loading etc. but this was only for a short period and was given to them on compassionate grounds.

33. E.W. 2 Shri J. K. Jain is at present the Manager of the E.D.C. Colliery. His evidence is in complete corroboration of E.W. 3. They say that the E.D.C. Colliery is running in loss, the area in which the colliery is situated is running in loss and the entire Coal India Ltd. is running in loss and that people are being transferred from this colliery to other collieries as it is surplus per norms set out by the Management.

34. It was vehemently argued that when there is no need of further workers and when the Management is running in loss can an order be passed for employing these workers? Any such order has to be well thought out and should not be subversive to national interests.

35. In this connection he also referred to Ext. E-14 which is an Office Memorandum sent to all sub-area managers and colliery managers. It is dated 13-5-1977. For the year 1977-78 at the co-ordination meeting the total manpower for the E.D.C. Colliery was sanctioned at 1295. The Office

Memorandum further states that the manpower of Pench area should stand frozen and no recruitment be made. There is also oral evidence in this regard. E.W. 2 Shri J. K. Jain was examined on 18-1-1979 and he deposed that the sanctioned strength of the Colliery at present was 1327 and the sanctioned strength on 1-1-1979 was more than 1500, in June, 1977 the sanctioned strength was 1295 and the actual strength was about 1460. He has further deposed that he was getting letters from the head office, and that it was not possible to provide employment to these workers and that there was surplus staff. The cross-examination does not reveal that the figures given by him were not correct. Evidence of E.W. 3 Shri C. B. Jain shows that there was no scope for employing these persons.

36. Reference must also be made to letter Ext. W-13 dated 21-5-1977 whereby all managements including E.D.C. Colliery were told that no recruitment should take place even for a short period.

37. During the course of arguments I had asked the Management to let me know what was the total manpower on 13-5-1977, the date the Office Memorandum Ext. E-14 was issued. This was done to investigate whether there was scope for employment of these workmen. On 17-4-1979 the Management produced the statement showing that during May, 1977 the manpower employed was 1650. It was explained that that was the manpower during the entire month.

38. On the evidence referred to above I find that there was no need of these workmen on the dates their services were terminated nor was nor is any scope for their absorption in the EDC Colliery at present.

39. The Management did not dispute whether the ex-DPR are fit and suitable or not. But in view of my findings above, this question is of no relevance.

40. It has come in evidence of Shri J. K. Jain, P.W. 2 that some new Collieries have been started in the Pench area, namely, Shivpuri, Pench East Incline and 11 and 12 Inclines. Pench East and 11 and 12 Inclines were opened in 1977 and Shivpuri in 1978. Mechanical quarry work in Shivpuri has been started since December, 1978. In view of this evidence, I told Shri Nair, Advocate for the Management that the ex-DPR can very well be accommodated in these mines and as such there should be no difficulty in absorbing them. His reply was that despite opening of these mines, there is surplus hand in the Pench area and as such it is not possible now to absorb these workers. He, however, gave an assurance that as soon as there is improvement in the situation, he will see that cases of these workmen are considered favourably.

41. Regard being had to the findings arrived at above, my award is that the refusal of the Management of Western Coalfields Ltd. Pench Area to provide employment to 39 ex-DPR workers of EDC Colliery beyond the date mentioned against each has stated in the annexure, is justified. As such, the question of entitlement of any relief to these workers does not arise.

Patna, the 29th May, 1979.

J. NARAIN, Arbitrator.

[No. L-22013(1)/78-D.IV(A)]

NAND LAL, Desk Officer

New Delhi, the 12th June, 1979

S.O. 2136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Rungta Colliery of Western Coalfields Limited, Post Office Rungta, Distt. Shahdol and their workmen which was received by the Central Government on 8th June, 1979.

BEFORE SHRI S. N. JOHRI, B.S.c., LL.M. PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.).

Case No. CGIT/LC(R)(41)/1978.

PARTIES :

Employers in relation to the management of Rungta Colliery of Western Coalfields Limited, Post Office Rungta, District Shahdol and their workmen represented through the General Secretary, Koyla Mazdoor Sabha, P.O. Dhanpuri, Dist. Shahdol (M.P.)

APPEARANCES :

For Union.—Shri Jagdish Singh.

For Management.—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mine DISTRICT : Shahdol (M.P.)

Dated 30-5-1979

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its order No. I-22012/6A/78-D. IV(A) Dated 9th August, 1978, for the adjudication of the following dispute :—

"Whether the action of the management of Rungta Colliery of Western Coalfields Limited, P.O. Rungta, District Shahdol (M.P.) is stopping Shri Lahbar, son of Shri Malkoo, Loader, T. No. 127, Rungta Colliery, from work with effect from 29th July, 1977 is justified? If not, to what relief is the concerned workman entitled?"

2. It is not disputed that the workman was a permanent loader in the Colliery. He received an injury and was admitted to the hospital from where he was discharged on 17th December, 1976. He reported back for duty. The fracture injury in the hand though cured left him weak. Since the loaders work in gangs and are paid on the total out put the other gangmen did not like to associate this workman in their gang. The worker requested the management that he may be absorbed in some alternate job but the management refused to oblige him in that respect because no alternate job was available according to them.

3. The management's case is that Shri Lahbar himself stopped coming to the Colliery and absented since 7-12-1977. He was never stopped by the management by any order in writing or even orally. No alternate job could be provided to him. An offer was made in the pleadings that since the workman was never stopped from working he could any day come to the colliery and join back his duties. The management raised a plea against the validity of the reference on the ground that no dispute was raised before it by the workman or the union.

4. The case of the Union is that the workman was stopped from work by an oral order with effect from 29th July, 1977.

5. The letter dated 22nd July, 1977 (Ex. M/4) confirms the admitted pleadings that Shri Lahbar had become weak and could not give as much out put as is expected of an associate gangmen. This weak link in the gang working of the loaders lands them into a disadvantageous position with respect to the total out put and earned wages. For this reason the gangmen were reluctant to accept Shri Lahbar as a member of their gang. The Colliery Manager, Shri J. Modi has stated that a free choice is given to the workers to form their own groups and normally the management does not interfere unless there is some complaint. Though technically the Manager can direct that a particular workman should go with a particular gang, but such a direction in the case of Shri Lahbar could land the management in trouble because that would have amounted to asking them to work for lesser wages which no workman would like. The management therefore insisted that the workman should adjust himself with some gang or the other as a loader.

6. However, he is a permanent loader. When he was recruited it was the recruitment of an individual though according to the settled practice obtaining in the colliery it should be presumed to be an implied condition of service that he will have to work in a gang. The question is whether a permanent employee can be thrown out of the employment simply because due to his reduced physical capacity he is not in a position to work with the gang or if the other gangmen are not willing to accept him for fear of earning reduced wages. Under such circumstances an action based on his physical incapacity could certainly be initiated by the management for consistently not giving the required Q.M.S. if fixed. In no case such a permanent employee can be stopped from service by any oral order. It appears from the spirit of the language used in the letter Ex. M/4 dated 22nd July, 1977 that the management was insisting that Shri Lahbar should accommodate himself in some gang or the other when the management knew it fully well that no gang was prepared to accept him. That knowledge is also apparent from the letter Ex. M/4. The insistence was thus on doing the impossible and under the circumstances it can be presumed that workman was stopped by the management from work because he could not fulfil that condition of accommodating himself with some gang, only on the fulfilling of which, the management was prepared to take him on the job.

7. Yet another factor requires consideration. It was specifically alleged by the Union that Shri Lahbar had received fracture injury in his hand because of a fall during working hours in the colliery from where he had been transferred to the hospital directly. In the rejoinder no reply was given to this specific pleading of para 2 of the written statement of the Union. The Union examined Shri Lahbar (W.W.1) and Shri Shiv Prasad (W.W.2) for proving that Shri Lahbar had received that injury during the working hours in the mine itself when he was pushing a tub with Shri Shiv Prasad. The management produced a medical statement of Shri Lahbar's case (Ex. M/6) purporting to be signed by Dr. Bhatnagar, A.M.O., Rungta Colliery. It is dated 21st April, 1977. In that report Shri Bhatnagar appears to have incorporated some admissions made by Shri Lahbar against the injury being received in the colliery during working hours. Shri Bhatnagar has not been examined to prove that statement. The mere proof of his signatures is not sufficient to prove the contents. Therefore this document is unable to rebut the evidence produced by the Union on this point. The management further examined Dr. B. S. R. Naidu of Burhar Central Hospital. He made a statement that Shri Lahbar had told him that he received an injury by a fall from the cycle. This alleged statement is contradictory to what he is alleged to have said to Dr. Bhatnagar about marpeet by a lathi. This evidence of admission may at the most render Shri Lahbar's own testimony as unworthy of credence but is not sufficient to rebut the testimony of Shri Shiv Prasad (W.W.2) with whom he was working at the time in the colliery when he received an injury and was transferred to the hospital. It is, therefore, held that Shri Lahbar was injured while he was working in the colliery.

8. In such a situation if the physical weakness or incapacity is caused by an injury received while working on the worksite the management is duty bound, to consider the question of providing such a permanent workman with an alternate job even though that job may not be strictly of the same category or may not give him the benefit to the extent of the emoluments which he would have otherwise earned as a piece rated worker.

9. The management is, therefore, directed to provide an alternate job to Shri Lahbar commensurate with his physical capacity and further pay him full back wages for the period from 7-12-1977 to the date when he reports back for duty within one month of the publication of this award. The management shall further pay Rs 50/- as costs to the Union.

30-5-1979.

S. N. JOHRI, Presiding Officer.

[No. L-22012(6)/78-D.IV(A)]

NAND LAL, Desk Officer.

प्रादेश

नई दिल्ली, 24 मई, 1979

का०प्र० 2137.—केन्द्रीय सरकार की राय है कि इससे उपाध्य प्रमुखों में त्रिनिविष्ट विषय के बारे में भारतीय स्टेट बैंक, अलुर के नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार, उक्त विवाद को न्यायनिर्णयन के लिए निवेशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री जी० सदासिव रेड्डी होंगे, जिसका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निवेशित करती है।

प्रमुखी

"क्या प्रवृत्त संज्ञ की, बैंक की अलुर शाखा में श्री के०बी०एस० प्रसाद, प्रस्थापी क्लर्क की पहले अप्रैल, 1972 से और फिर 13-11-73 से सेवा समाप्त करने की कार्यवाही बीच और न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुबंध का हकदार है?"

[सं० एल०-12012/49/78-डी-2 (ए)]

एस. के० मुखर्जी, प्रवर सचिव

ORDER

New Delhi, the 24th May, 1979

S.O. 2137.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India, Alur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. Sadasiva Reddy shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management in terminating the services of Shri K. B. S. Prasad, Temporary Clerk in the Alur Branch of the Bank first with effect from April, 1972 and again with effect from 13-11-1973 was legal and justified? If not, to what relief is the workman concerned entitled?"

[No. L-12012/49/78-D. II. A.]

S. K. MUKHERJEE, Under Secy.

New Delhi, the 7th June, 1979

S.O. 2138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Arbitrator in the industrial disputes between the employers in relation to the management of Nimcha Sub-Area of Eastern Coalfields Limited, P.O. Jaykaynagar, District Burdwan and their workmen which was received by the Central Government on the 4th June, 1979.

In the matter of arbitration in the industrial dispute with regard to the alleged improper fixation of the wages of Sri

N. C. Nandi, O. S. between the management of Nimcha sub-area of Eastern Coalfields Ltd., P.O. Jaykaynagar, Distt Burdwan (W. B.) and their workman represented by Colliery Mazdoor Sabha (AITUC) G. T. Road, Asansol (W. B.).

SHRI D. V. RAMACHANDRAN, ARBITRATOR U/S. 10A OF THE INDUSTRIAL DISPUTES ACT, 1947 AND REGIONAL LABOUR COMMISSIONER (CENTRAL) ASANSOL.

REPRESENTING EMPLOYER :

- (1) Shri N. Das, Advocate,
- (2) Shri Amitava Sinha, Asstt. Chief Personnel Officer, Satgram Area, M/s. Eastern Coalfields Ltd.
- (3) Shri G. Upadhaya, Sr. Personnel Officer, Nimcha Sub-Area of Eastern Coalfields Ltd.

REPRESENTING THE WORKMAN :

Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha (AITUC), G. T. Road, Asansol (Burdwan).

INDUSTRY : Coal Mining STATE : West Bengal.
No. 1/4/78 B-3/E. 1

Dated : 26th May, 1979

AWARD

The management of Satgram Area of M/s. Eastern Coalfields Ltd. and the workmen represented by the Colliery Mazdoor Sabha (AITUC), referred the following dispute to my arbitration under section 10A of the Industrial Disputes Act, 1947, vide their Agreement published as S.O. No. 3752 in the Gazette of India, Part-II, Sec. 3, Sub-sec. (ii) of 30-12-1978 (Notification No. L-19013(16)/78 D. IV(B) dated 14-12-1978) :—

"Whether the action of the management of Nimcha Sub-Area of Eastern Coalfields Ltd. P.O. Jaykaynagar, Distt. Burdwan, by fixing the wages of Shri N. C. Nandi, O.S., at Rs. 645 without considering the personal pay of Rs. 90 per month with effect from 1-1-1975 was justified? If not, to what relief the concerned workman is entitled?"

The time for giving Award was extended by mutual agreement by the parties subsequently.

Both the parties were heard on various dates. Shri Sunil Sen, represented the workmen. The concerned workman Shri N. C. Nandi was also present. Shri N. Das, Advocate, Shri Amitava Sinha, Asstt. Chief Personnel Officer, Satgram Area and Shri G. Upadhaya, Senior Personnel Officer, Nimcha Sub-Area of M/s. Eastern Coalfields Ltd., represented the management. Apart from the written statements, the management examined Shri D. N. Chopra, Finance Manager. There was no witness on behalf of the workman.

The contention of the workman was that Shri N. C. Nandi as a Special Grade Clerk, was getting basic wages of Rs. 505, plus Rs. 90 as personal pay and the management did not take it into account the amount of Rs. 90 which was paid in addition to the basic wage while re-fixing the workman's pay from 1-1-1975 as per National Coal Wage Agreement. The contention of the management was that their re-fixation of pay was correctly done as per the National Coal Wage Agreement. In this connection, the evidence of Shri D. N. Chopra, Finance Manager, is most relevant. He stated that Shri Nandi's pay was fixed correctly according to paragraph 2.5 of the National Coal Wage Agreement dated 11-12-1974. He further stated that Shri Nandi was not drawing any "Personal Pay" of Rs. 90, but Rs. 50 as extra allowance and Rs. 40 as servant allowance. Hence, there was no question of taking into account the "Personal Pay". It was found from the Pay Register (Ext. 'A') for the month of June 1974, Shri Nandi has been paid the said extra allowance and servant allowance. Shri Chopra further stated that if there is any "Personal Pay" the same could be absorbed in the revised wages and even after absorption balance remains, it had to be continued as 'Personal Pay' as per the minutes of discussions at the recommendations of the Joint Wage Negotiating Committee dated 13-1-1975 (Produced as Ext. 'B'). "Personal Pay" has not been defined anywhere in the Coal Wage Agreement or Coal Wage Board

Recommendations. There is a definition of "Personal Pay" in the Fundamental Rules 9(23) as follows, which is only applicable to the Government servants :—

"Personal Pay means additional pay granted to a Government servant—

- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations".

It is clear from the above that Sri Nandi was not given the benefit of Rs. 90 which was being drawn earlier by him, according to the statement of Sri D. N. Chopra, as extra allowance and servant allowance. The definition of "Personal Pay" is given in the Fundamental Rules is not applicable to the employees of the Public sector who are governed by Awards and Agreements. Hence, the allowance drawn by Sri Nandi should have been considered as additional emolument which was being allowed to him as an additional benefit, which was continued, till the National Coal Wage Agreement was brought into force. According to paragraph 7.3 of the National Coal Wage Agreement the existing benefits and facilities not covered or altered by the National Coal Wage Agreement, have to be continued. Sri Nandi, being an Office Superintendent/Special Grade Clerk, should have been granted extra emoluments by way of "extra allowance" and "servant allowance" which may have been termed by name "Personal Pay", meaning pay personal to him specially given.

In view of the above, I consider that the fixation of wages of Shri N. C. Nandi without considering Rs. 90 per month which was being drawn by him in addition and discontinuance of payment of said Rs. 90 was not justified. It is for the management of re-fix his pay by taking Rs. 90 as an additional emolument, being paid to the workman concerned and re-fix his pay in the revised scale or continue payment of Rs. 90 in addition to the existing pay as fixed in compliance with Clause 7.3 of the National Coal Wage Agreement. I hereby direct the management accordingly to grant Rs. 90 per month or equivalent benefit suitable to the workman concerned with effect from 1-1-1975.

I, also, hereby direct that this Award should be implemented within one month from the date of its receipt.

Dated : the 26th May, 1979.

D. V. RAMACHANDRAN,
Regional Labour Commissioner

[No. L-19013(6)/78-D. IV(B)]

SHASHI BHUSHAN, Desk Officer

प्रावेश

नई दिल्ली, 19 मई, 1979

कां.प्रा. 2139.—केन्द्रीय सरकार की राय है कि हमसे उपावृद्ध अनुसूची में विनिश्चित विषयों के बारे में सिगरेटी कोलियरीज कम्पनी लिमिटेड, कोषागुडियम कोलियरीज, आरक्ष प्रवेश के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और यह: केन्द्रीय सरकार, उक्त विवाद को न्यायनिर्णयन के लिए निर्विशित करना वांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (ख) द्वारा 234 GI/79—6

प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकरण गठित करती है जिसके पोटासीन अधिकारी श्री जी० सवासिब रेड्डी होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण की न्याय निर्णयन के लिए निर्विशित करती है।

अनुसूची

क्या सिगरेटी कोलियरीज कम्पनी लिमिटेड कोषागुडियम के प्रबंधतंत्र की (34) प्रशिक्षणार्थी लिपिकों (जिनकी विधिष्टि उपावृद्ध की गई है) की सेवाओं को समाप्त करने की कार्रवाई न्यायोचित है? यदि नहीं तो संबंधित कर्मचारियों किन अनुतोष के हकदार हैं।

उपावृद्ध

क्रम सं०	नाम	कार्य का स्थान	सेवा समाप्त होने की तारीख
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सर्वश्री—

1.	के० रामा राय	कोयला रसायन कम्प्लेक्स	3-10-78
2.	पुली लक्ष्मी रेड्डी	घार० के० पी०	4-10-78
3.	ए० बैकटारेड्डी	—यथोक्त—	3-10-78
4.	वाई० लक्ष्मण रेड्डी	—यथोक्त—	3-10-78

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5.	बी पुल्लारेड्डी		22-9-78
6.	बी० शोशा गिरी राय		19-9-78
7.	के० सुब्बा राय		19-9-78
8.	एम० पदमानामाचार्युलु		19-9-78

बेलमपल्ली क्षेत्र

9.	बी नरसिम्मा		22-9-78
10.	एन० वरदा रेड्डी		22-9-78
11.	पी० रमन मूर्ति		22-9-78
12.	वाई० मुखैय्या		22-9-78
13.	एन० जयप्रकाश		22-9-78
14.	ए० बैकट कृष्ण		22-9-78
15.	बी रामा राय		22-9-78

कोषागुडियम क्षेत्र

16.	घार० प्रभाकर		13-9-78
17.	एम० कल्यायानी		13-9-78
18.	ए० गोविन्दा राय		13-9-78
19.	के० स्वर्णवता		13-9-78
20.	जी० वीम्युण्ड		13-9-78
21.	मोहम्मद बशीर		13-9-78
22.	के० राजा बाबू		16-9-78
23.	बी० बाबू राय		14-9-78
24.	पी० मुच्चाराय		17-9-78
25.	एम० मधुसूदन प्रसाद		13-9-78
26.	के० सुधाकर रेड्डी		16-9-78

रामागुन्डम क्षेत्र

27.	एन० बन्धु बाबू		25-9-78
28.	एम० नरसिंह रेड्डी		24-9-78
29.	घार रामलु		17-9-78
30.	के० सुधाकर रेड्डी		17-9-78
31.	घार भवरेय्या		17-9-78
32.	पी० राजा रेड्डी		17-9-78
33.	घार० किशोराम		17-9-78
34.	पी० एस० धार० सत्यनारायण		17-9-78

[का० सं० पल-21011/4/78-बी4(बी)]

अभि भूषण, डेस्क अधिकारी

ORDER

New Delhi, the 19th May, 1979

S.O. 2139.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the management of Singareni Collieries Company Limited, Kothagudem Collieries, Andhra Pradesh, and their workmen in respect of the matters specified in the Schedule here to annexed ;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, Therefore, in exercise of the powers conferred by Section 7A and clause(d) of sub-section(1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. Sadasiva Reddy shall be the Presiding Officer with headquarters at Hyderabad and refer the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Singareni Collieries Company Limited, Kothagudem in terminating the services of 34 Trainee Clerks (whose particulars are given in the annexure) is justified? If not, to what relief are the concerned workmen entitled?

ANNEXURE

S. No.	Name	Place of work	Date of Termination
	S/Shri		
1.	K. Rama Rao	Coal Chemical Complex	3-10-78
2.	Puli Laxma Reddy	RKP	4-10-78
3.	A. Venkata Reddy	-do-	3-10-78
4.	Y. Laxman Reddy	-do-	3-10-78

MANDAMARRI & RAMKRISHAPUR AREA

5.	B. Pulla Reddy		22-9-78
6.	V. Seshagiri Rao		19-9-78
7.	K. Subba Rao		19-9-78
8.	M. Padmanabhacharyulu		19-9-78

BELAMPALLI AREA

9.	V. Narasaiah		22-9-78
10.	N. Varada Reddy		22-9-78
11.	P. Ramam Murthy		22-9-78
12.	Y. Subbaiah		22-9-78
13.	N. Jayaprakash		22-9-78
14.	A. Venkata Krishna		22-9-78
15.	B. Rama Rao		22-9-78

KOTHAGUDIUM AREA

16.	R. Prabhakar		13-9-78
17.	M. Katyayani		13-9-78
18.	A. Govinda Rao		13-9-78
19.	K. Swarnalatha		13-9-78
20.	G. Samuel		13-9-78
21.	Mohd. Bashir		13-9-78
22.	K. Raja Babu		16-9-78
23.	Ch. Babu Rao		14-9-78
24.	P. Subba Rao		17-9-78
25.	M. Madhusudhana Prasad		13-9-78
26.	K. Sudhakar Reddy		15-9-78

RAMAGUNDAM AREA

27.	N. Bosu Babu	25-9-78
28.	S. Narasimha Reddy	24-9-78
29.	R. Ramulu	17-9-78
30.	K. Sudhakar Reddy	17-9-78
31.	R. Bhadrachalaiah	17-9-78
32.	P. Raja Reddy	17-9-78
33.	R. Kilasam	17-9-78
34.	P.S.R. Satyanarayana	17-9-79

[F.No.L-21011(4)/78-D.IV(B)]

SHASHI BHUSHAN, Desk Officer

New Delhi, the 8th June, 1979

S.O. 2140.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad and their workmen, which was received by the Central Government on the 5th June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the

Industrial Disputes Act, 1947

Reference No. 2 of 1978

PARTIES :

Employers in relation to the management of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Sri S. S. Mukherjee, Advocate.

For the Workmen.—Sri D. L. Sen Gupta, Advocate, and Sri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

State : BIHAR.

Industry : COAL.

Jabalpur, dated, the 30th May, 1979

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/201/77-D-III(A), dated 7-1-1978, for the adjudication of the following industrial dispute :

“Whether the demand of the workmen of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad, for the payment of the same incentive to the Electro-Mechanics mentioned in Annexure A, as is being paid to Multi Skilled Miners, is justified? If so, to what relief are the said workmen entitled?”

ANNEXURE ‘A’

1. Shri A. K. Banerjee
2. Shri R. K. Chatterjee
3. Shri Santosh Singh
4. Shri J. K. Das
5. Shri R. Prasad
6. Shri N. C. Das
7. Shri Anokh Singh
8. Shri Md. Samsuddin

9. Shri S. G. Goswami
10. Shri R. L. Singh
11. Shri K. Jha
12. Shri S. Sharma
13. Shri K. C. Biswas
14. Shri M. S. Alam
15. Shri S. R. Sukla
16. Shri S. K. Banerjee
17. Shri B. B. Sinha
18. Shri M. Sahay."

2. It is not disputed that in Jamadoba Colliery in the Scraper Mining District, mechanised working was introduced in the year 1974. The miners in this district are Multi-skilled Miners (hereinafter called as MSMs). Shifters were in course of time merged into the MSMs. They are piece rated workers. The electrically operated machines, which are used by these MSMs for raising the coal, are operated by these 18 workmen who are known as Electro-Mechs (hereinafter called as E.Mechs). Besides them there are Coal Transport Workers, Overman, Mining Sirdar and other supervisory staff. The MSMs have been so designated because they have attained skill in various trades including the miner repairs of the machines which are used by them. They do multifarious jobs of timbering dressing etc. Similarly these E.Mechs are trained both on electrical and mechanical sides. They handle and repair the machines which are used on the face for raising the coal. These E.Mechs are better qualified persons but the total emoluments which they get are much less than the total emoluments which the MSMs earn. The work goes on for 24 hours divided in three shifts. The Shift A and B are known as production shifts while Shift C is known as maintenance shift. Normally, the MSMs in A and B Shifts are directly engaged in production while miners in C Shift help the E.Mechs in the proper maintenance and repair of machines. At times when there is no production in A or B Shift for some reason or the other, the C Shift is converted into production shift. In that case the miners working in C Shift engage themselves directly in production. The workers work in rotation in the three shifts.

3. It is not disputed that an incentive scheme was introduced by the management with respect to the MSMs. According to that scheme the MSMs, who are directly engaged in production in A and B Shifts get their incentive bonus on the basis of excess production as per rate laid down in the scheme. The incentive bonus to the MSMs in C Shift, when they are not engaged in actual production, or to other miners in A or B Shift, when there is no production in that shift, are paid incentive bonus on averaging basis. The non-productive MSMs of C Shifts are paid on the average of the incentive bonus paid to the productive MSMs of A and B Shifts while non-productive MSMs of A and B Shifts are paid on the average incentive bonus paid to the productive MSMs in that particular shift.

4. Another scheme of incentive bonus was framed by the management in respect of the E.Mechs and Coal Transport Workers, but the rates were so different from the rates given to the MSMs that these E-Mechs hardly get any incentive bonus worth the name. It is again admitted that previously Shifters were getting as much bonus as was being paid to the E.Mechs but the Shifters were subsequently merged with the MSMs and they are also now getting benefits at the rate, the MSMs are getting.

5. The case of the 18 E.Mechs is that they render equal assistance in the matter of production by properly working the machines and by keeping them in working condition as the production is wholly machine oriented, so they should be deemed to be productive hands and looking to their qualification and experience which are much more as compared to the MSMs, they should also be given incentive bonus at the same rate as is being paid to the non-productive MSMs on average basis.

6. The case of the management is that E.Mechs unlike MSMs are non-productive hands as the Coal Transport Workers are. They are not piece rated workers. Besides there are Shot-Firers, Mining Sirdars, Overman and other supervisory staff which are similarly non-productive hands. The work load of all these time-rated workers including the

E.Mechs does not vary with the increased production by the Multi-skilled Workers. Hence there can be no justification for equating them with the MSMs. Sri K. C. Biswas and Sri Anokh Singh who were MSMs have passed supervisorship examination and have been promoted as Electrical Supervisors Grade A. Their main functions are supervisory, hence they cannot be included in the list of workers concerned with this dispute. Sri S. G. Goswami has also been promoted to Grade A and has gone out of the Scraper Mining District. He is working as Foreman. Thus atleast with respect to these three persons of supervisory staff the reference is not maintainable.

7. Sri Anokh Singh serial No. 7 has now become Electrical Supervisor in Grade A. Sri K. C. Biswas serial No. 13 has gone out of the Scraper Mining District and is working at Sijua as Electrical Supervisor. Similarly Sri S. G. Goswami serial no. 9 has gone out as Electrical Foreman. It is not disputed that all of them were E.Mechs Grade C at the time when this dispute was raised. A bald statement was made in the pleadings that they were now occupying supervisory position. Their duties were not specified in the pleadings and by mere designation it is not possible to hold that one is in fact occupying a supervisory position. It is admitted by the management's witness that their duties have been laid down in writing but no such duty Chart has been produced before me. Attempt is made to prove the fact of their supervisory position by oral evidence. Tribunal must have an opportunity to look into the nature of duties for finding out whether they are mainly supervisory or supervisory is only insignificant part of the total duties. In the absence of proper evidence mainly on the basis of the designation which they now hold, it is not possible for this Tribunal to give a finding that they are occupying supervisory position and their functions are mainly supervisory. The objection against the validity of the reference with respect to these three persons can therefore safely be ruled out.

8. It is now the settled position of law that introduction of the incentive bonus scheme is a managerial function and the Tribunal has no jurisdiction to initiate any such scheme for the first time. However, it is equally settled that if the management has already exercised its managerial prerogative of introducing an incentive bonus scheme, the Tribunal has jurisdiction to interfere with the rates, make it more judicious and extend the same to the other workers who make even indirect contribution towards the enhanced production or bear the brunt of the same. The cases of *Burn & Co. vs. Their Employees* 1 SCLJ 589; *National Iron & Steel Co. vs. the Workmen* 4 SCLJ 591 and *Western India Match Co. Ltd. vs. Their Workmen* 1 SCLJ 601 can usefully be cited with respect to the aforesaid settled position of law relating to the incentive bonus. It has again been settled in the aforesaid cases that workers who are not directly involved in the process of production can be given incentive bonus on a comparatively lower rate as compared to the rates at which incentive bonus is given to the workers who are directly engaged in production. In *Burn & Co.*'s case the scheme of incentive bonus was extended to the clerical staff because there was consequential increase in their work due to the rise in production. The rate was however left to the discretion of the Tribunal to be adjudicated in the light of the extent of increase in work load etc. It is in the light of this principle that the questions involved in the present case are to be adjudicated with reference to the evidence on record.

9. It has been categorically stated since the whole process is mechanised, the production itself very much depends on the efficient working of the machines. For increased production it is therefore necessary that the machines should be kept in fit condition or should be repaired without loss of time. The E-Mechs have a vital part to play in this respect. It cannot therefore be said that they have no hand in increased production.

10. At the same time it is also true that even when the machine is kept in proper order by the best efforts of E. Mechs, it cannot ipso facto produce more because it works with the same speed. For enhanced production more special effort is therefore required to be put in by the MSMs. To the extent of that extra skill and effort put by the MSMs for enhanced production, the E. Mechs have virtually no part to play and no help to render. Thus it is true that for the purpose of the rates of incentive bonus there can be no

parity between the productive MSMs and the E-Mechs and they have not claimed any parity with productive MSMs.

11. They have claimed parity with the non-productive MSMs who are paid on averaging basis. It is not disputed that several times memos were addressed to the E-Mechs that they should do their utmost in augmenting production by keeping the machine in efficient working condition etc. It is thus clear that their work load and alertness have increased for enabling the MSMs to produce more. Broadly speaking it is true that they are in the same position as non-productive MSMs are. It is therefore unjust and highly discriminatory if incentive bonus is not paid to them at the rates at which it is paid to the non-productive MSMs. They cannot be equated with the Overmen, Mining sirdars and other supervisory staff because their nature of duties are altogether different and burden on account of the increased production may not be having that much of impact upon the supervisory staff as it should be on the E-Mechs.

12. The rates of pay, qualification and experience have not much of the bearing in the matter fixing the incentive bonus. However, as proved by the E-Mechs through the Charts Ext. W-3 and W-3(a) it is obvious that the E-Mechs get incentive bonus at a ridiculously low rates which can almost be said to be so nominal as to be illusive.

13. The management is therefore directed to revise the incentive rates of the E-Mechs so as to put them at par with the non-productive MSMs or atleast very near to those rates so that there is not much of difference between the incentive bonus earned by the non-productive MSMs and E-Mechs in a period of one month. Such revised rates shall then be made effective from 7-1-1978—the date on which the reference was made for the adjudication to this dispute. The management shall pay Rs. 200 as costs to the union for driving it to the litigation when the patently illusory rates could have revised by them atleast soon after the raising of the dispute. Award is given accordingly.

S. N. JOHRI, Presiding Officer

[No. L-20012/201/77-D. III(A)]

New Delhi, the 8th June, 1979

S.O. 2141.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Topa Colliery of Central Coalfields Limited, Post Office Kujju, District Hazaribagh and their workmen, which was received by the Central Government on the 5th June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 16 of 1978

PARTIES :

Employers in relation to the management of Topa Colliery of Central Coalfields Limited, Post Office Kujju, District Hazaribagh ;

AND

Their workmen.

PRESENT :

Shri S. N. Johri, B. Sc., I.L.M.,—Presiding Officer.

APPEARANCES :

For the Employers :

Shri T. P Choudhury, Advocate—For the Workman.

Shri S. Bose, Secretary,—Rashtriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar

INDUSTRY : Coal.

Jabalpur, dated, the 29th May, 1979.

AWARD

This is a reference made by the Government of India in the Ministry of Labour, vide its Order No. L-20012/32/78-D-III(A), dated 28-7-1978, for the adjudication of the industrial dispute :

“Whether the action of the management of Topa Colliery of Messrs Central Coalfields Limited, Post Office Kujju, District Hazaribagh in stopping Shri Jangaloo Mistry, Coal Cutter, from work from the 18th September, 1975, is justified ? If not, to what relief is the said workman entitled ?”

2. It is not disputed that Topa Colliery which originally belonged to Shri M. N. Chatterjee, was taken over by the Coal Mines Authority with effect from 31-1-1973. A list of old employees was prepared, according to which one Jangaloo Mistry, son of Tilo Mistry was a Coal Cutter. His screening number was 379. After sometime it was found that Jangaloo Mistry was absenting himself since 25-11-74 and so, vide order Ext. M-7 his name was struck off from the rolls on 14-3-1975 alongwith 59 other workers. Two days before the publication of that order, an application Ext. M-8 was moved in the name of Jangaloo Mistry by this presently concerned workman of village Silota on 12-3-75 that he was absent because he had been long ill and therefore he should be allowed to resume his duty. Accordingly, assuming him to be real Jangaloo Mistry, he was allowed to join the duty. A chargesheet was issued for showing cause against this long absence and thereafter domestic enquiry was ordered against him. Meanwhile on or about 7-4-75 another person of village Rabodh under the name of Jangaloo Mistry son of Kiba Mistry, moved an application claiming that he was the real Jangaloo Mistry who had been screened. A complaint from a member of Parliament that a number of impostors were working in Topa Colliery including a person in the name of Jangaloo Mistry alerted the management. An enquiry was therefore held and it was found that both the persons, i.e., the Silota man and Rabodh man S/o Kiba, who claimed under the name of Jangaloo Mistry S/o Tilo Mistry were impostors. However, finding that the enquiry is being held and the impostors might be prosecuted, the Rabodh man, who had moved an application in the name of Jangaloo Mistry son of Kiba Mistry silently eked out of the scene without further pressing his claim. But the Silota man who had applied for resumption of duty and had been suspended and chargesheeted continued to press that he was the real Jangaloo Mistry. As the prima facie finding was that he was not the real Jangaloo Mistry so the management did not pay him the suspension allowance. He went on hunger strike.

3. Management's case is that in fact he is Bishwanath Bind son of Naresh Bind of village Silota, Distt. Rohtas, and the Rabodh man was in fact Bhairwa son of Kiba Mistry of village Rabodh. Real Jangaloo Mistry son of Tilo Mistry, resident of village Rabodh died about 5 years ago.

4. The claim of the Silota man is that he is the real Jangaloo Mistry who had been screened at Screening No. 379. The reference thus in fact turns upon the question of establishment of identity of the person of this alleged impostor who is being claimed by the management to be in fact Bishwanath Bind.

5. The evidence of Sri Gupta M. W. 1 finger print expert, only goes to prove the real Jangaloo Mistry had been absenting since before March or April, 1974 and not simply from 25th November, 1974, because since after March or April, 1974 one of these two alleged impostors attended and received payment. Sometimes one was working while in other week the other man came and worked in the mine. According to his findings in the wagesheet week ending 8-6-74, the thumb mark appears to be of Bhairwa son of Kiba. In the week ending 22-6-74, the thumb mark appears to be of the Silota man. Again in the weeks ending 3-8-74, 10-8-74 and 24-8-74, the thumb mark was of Bhairwa Mistry son of Kiba while

in the week ending 31-8-74 the thumb mark was of Silota man. Thereafter again Bhairwa son of Kiba appeared. This sort of exchange was not possible unless there was some conspiracy between the two impostors. There appears to be no evidence or suggestion of that type in this case. This evidence cannot therefore be of much use except for establishing that real Jangaloo Mistry had in fact been absenting since before March or April 1974. The impostors having come to know about the absence of real Jangaloo Mistry entered into the service in his assumed name. In fact the management should have taken the specimens thumb marks from the wage sheets of February & March 1973 and should have compared from those specimens the thumb marks of these alleged impostors for proving that the person screened was different from these claimants.

6. The management filed the original list of workers that was framed at the time when the colliery was taken over. A copy Ext. M-7 of that list had already been filed on record. In that list the name of Jangaloo Mistry appears at sl. no. 19 with the following particulars—Jangaloo Mistry son of Tilo Mistry, C/L, date of appointment 18-10-72 (erroneously written as 18-10-73) resident of village Rabodh, P.O. Balsagera, P.S. Mandu, District Hazaribagh, screening No. 379. This list goes to show that the real employee was son of Tilo and resident of village Rabodh. Sri Shyam Bahadur Singh W.W. 2 admits this list as genuine original list but for the fact that according to him the columns about residence etc. were lying blank at the time it was prepared. The statement appears to be motivated and is not worthy of credence because no column against any name in the whole list appears to have been left blank or interpolated. There appears to be no reason why the columns about the place of residence etc. should have been left blank against the name of Jangaloo Mistry when all these particulars were specifically noted against all other names. The statement is motivated because without raising that plea it will not be possible for this union leader, who had been instrumental in sponsoring this impostor, to prove that Silota man was the real Jangaloo Mistry because the particulars in the list prove that the real man was of Rabodh village. The list and the particulars given in it are therefore held to be genuine.

7. The management further examined Sri Magan Singh M. W-2 who belongs to village Rabodh. He has stated categorically that Jangaloo Mistry son of Tilo Mistry was a resident of his village Rabodh and was Karmali by caste. The village Rabodh according to him is very near Topa colliery and several persons of his village are working in the colliery. Sri Magan Singh himself is working in Pindar colliery which is just adjoining Topa Colliery with a 'nala' in between. He has further stated on oath that Jangaloo Mistry son of Tilo Mistry of his village who was working in Topa Colliery died about 4 or 5 years ago. There is no reason to disbelieve his statement. On the one hand this witness corroborates and confirms the correctness of the particulars in the screening list inasmuch as he proves the existence of a person with those particulars, and his employment in Topa colliery since long. On the other hand this witness indirectly proves that the contesting person i.e. Silota man is an impostor because the real man died about 4 or 5 years ago.

8. However, this contesting person i.e. Silota man himself stated and filed certificates Ext. W-12, W-12, W-14 and W-15 saying that he is the resident of village Silota while as said above the real workman who had been screened belonged to village Rabodh and not village Silota.

9. Silota man examined himself a Jangaloo Mistry W.W. 1 and further examined Sri Shyam Bahadur Singh in support to statement as W.W. 2. The particulars of the geography of the house of this contesting workman as given by him does not tally with the particulars and geography of that house given by Sri Shyam Bahadur Singh. The contesting workman has admitted that he is Bind by caste and his house in the village Silota is flanked on either side by the persons of Bind community. The tendency of the villagers is generally to live in community blocks and it confirms the enquiry findings that this contesting workman is in fact Bishwanath Bind and not Jangaloo Mistry who was Karmali by caste and was resident of village Rabodh and not of village Silota which is situated far away from the colliery. Generally people of the neighbouring villages are employed as labourers in the coal mine.

10. Considering these factors I am of the view that this contesting workman is in fact Bishwanath Bind and not Jangaloo Mistry who died about 4 or 5 years ago and whose name had been struck off from the rolls on account of his long absentism. Real Jangaloo Mistry was never stopped from work. The reference is answered accordingly.

S. N. JOHRI, Presiding Officer
[No. L-20012/32/78-D. III(A)]

S. H. S. IYER, Desk Officer

नई दिल्ली, 12 जून, 1979

कां.प्रा. 2142.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एनाकेम लेबोरेटरीज (प्राइवेट) लिमिटेड 68/2, सिं वर बगान स्ट्रीट, कलकत्ता 4, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या, इस बात पर सहमत हो गई है कि कर्मचारी भविष्य विधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अगस्त, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एम. 35017/18/79-पी. एफ. II]

New Delhi, the 12th June, 1979

S.O. 2142.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Anakem Laboratories (Private) Limited, 68/2, Sikdar Bagan Street, Calcutta-4, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1978.

[No. S. 35017(18)/79-PF-II]

कां.प्रा. 2143.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इम्प्रेशन हाउस, 64, सीताराम घोष स्ट्रीट कलकत्ता-9 नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य विधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एम. 35017/19/79-पी. एफ. II]

S.O. 2143.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Impression House, 64, Sitaram Ghosh Street, Calcutta-9 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1978.

[No. S. 35017(19)/79-PF-II]

कां.प्रा. 2144.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सिमैक (इंडिया) प्राइवेट लिमिटेड, 5/2, रसेल स्ट्रीट, कलकत्ता-16 जिसके

अन्तर्गत 35, डायमंड हार्बर रोड, कलकत्ता-27, स्थित उसका कारखाना भी है, नामक स्थापन से संबद्ध नियोजन और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 अप्रैल, 1977 को प्रवृत्त हुई समझी जाएगी ।

[सं० एम० 35017 (20)/79-पी० एफ० II(i)]

S.O. 2144.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mimec (India) Private Limited, 5/2, Russel Street, Calcutta-16 including its Factory at 35, Diamond Harbour Road, Calcutta-27, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1977.

[No. S.35017(20)/79-PF. II(i)]

का. आ. 2145.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करके 1 अप्रैल, 1977 से मैसर्स मिमेक (इण्डिया) प्राइवेट लिमिटेड, 5/2, रसेल स्ट्रीट, कलकत्ता-16, जिसके अन्तर्गत 35, डायमंड हार्बर रोड, कलकत्ता-27, स्थित उसका कारखाना भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है ।

[सं० एम० 35017(20)/79-पी० एफ० 2 (2)]

S.O. 2145.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1977 the establishment known as Messrs Mimec (India) Private Limited, 5/2, Russel Street, Calcutta-16 including its Factory at 35, Diamond Harbour Road, Calcutta-27, for the purposes of the said proviso.

[S. 35017(20)/79-PF.II(ii)]

का० आ० 2146.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सेन और कंपनी, 48-50, बिद्या अयतन सारणी कलकत्ता-35 जिसके अन्तर्गत 3, कर्माशयल बिल्डिंग नेताजी सुभाष रोड, कलकत्ता-1 नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 अप्रैल, 1977 को प्रवृत्त हुई समझी जाएगी ।

[सं० एम० 35017(21)/79-पी० एफ० II]

S.O. 2146.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sen and Company, 48-50, Bidya Ayatan Sarani, Calcutta-35 including its Head Office at 3, Commercial Building, Netaji Subhas Road, Calcutta-1, have agreed that the Provisions of

the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the first day of April, 1977.

[No. S. 35017(21)/79-PF. II]

का० आ० 2147.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जनरल आफिम मशीन्स कंपनी पी-1 सी० आई० टी० रोड, कलकत्ता-73, नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 अप्रैल, 1978 को प्रवृत्त हुई समझी जाएगी ।

[सं० एम० 35017(22)/79-पी० एफ० II]

S.O. 2147.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs General Office Machines Company, P.I. C.I.T. Road, Calcutta-73 ; have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applied the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1978.

[No. S. 35017(22)/79-PF. II]

का० आ० 2148.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एम० वी० अमिता, चांदपाल घाट, द्वारा सुन्दरबन लांच सिण्डिकेट स्ट्रैंड रोड, कलकत्ता-1 नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 जनवरी, 1978 को प्रवृत्त समझी हुई जाएगी ।

[सं० एम० 35017(23)/79-पी० एफ० II]

S.O. 2148.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs M. V. Anita, Chandpal Ghat, C/o Sundarban Launch Syndicate, Strand Road, Calcutta-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1978

[No. S. 35017(23)/79-PF.II]

कां० प्र० 2149.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेज एच० एल० फिनान्सियल कन्सल्टेंट्स एण्ड मैनेजमेंट सर्विसेज (प्राइवेट) लिमिटेड, स्टॉक एक्सचेंज बिल्डिंग बॉम्बे, समाचार मार्ग, मुम्बई-23 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 नवम्बर, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018/35/79-पी० एफ० II]

S.O. 2149.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs H. L. Financial Consultants & Management Services (Private) Limited, Stock Exchange Building, Bombay Samachar Marg, Bombay-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of November, 1977.

[No. S. 35018/35/79-PF.II]

कां० प्र० 2150.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेज रूप श्रंगार, 97, महर्षी कार्वे रोड, मुम्बई-20 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018/40/79 पी० एफ० II]

S.O. 2150.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Roop Shringar, 97, Maharshi Karve Road, Bombay-400020 have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1978.

[No. S. 35018(40)/79-PF.II]

कां० प्र० 2151.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेज राजाराम एन० एस० बडेकर एण्ड कम्पनी (प्राइवेट) लिमिटेड, सुवर्ण बडेकर बिल्डिंग, बाम्को-डा-गामा, गोवा, जिसके अन्तर्गत (1) कोटोम्बी प्लाट, गोवा (2) नूनडाम माइन गोवा (3) बार्गेस, गोवा स्थित उनकी शाखाएँ भी हैं नामक स्थापना से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और

प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापना को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018/43/78-पी० एफ० II]

S.O. 2151.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Rajaram N. S. Bandekar and Company (Private) Limited, Suvarna Bandekar Building, Vasco-da-Gama, Goa including its branches at (1) Kotombi Plot, Goa, (2) Nundam Mine, Goa and (3) Barges, Goa, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1976.

[No. S. 35018(43)/78-PF.II]

कां० प्र० 2152.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेज थोमस एसोसिएट्स, 23 हम्माम स्ट्रीट, मुम्बई-23, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018/45/79-पी० एफ० II]

S.O. 2152.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Thomas Associates, 23 Hamam Street, Bombay-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1978.

[No. S. 35018(45)/79-PF.II]

कां० प्र० 2153.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेज रूप मन्स 385, एन० सी० केलकर रोड, लक्ष्मी बिल्डिंग, दूसरा फ्लोर, कमरा नं० 9, 10, 11, 12, दादर, मुम्बई-28, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 सितम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018/46/79-पी० एफ० II]

S.O. 2153.—Whereas it appears to the Central Government that the employers and the majority of the employees in relation to the establishment known as Messrs Rop Sons, 385, N. C. Kelker Road, Laxmi Building, 2nd Floor, Room No. 9, 10, 11, 12, Dadar, Bombay-28, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of September, 1978.

[No. S-35018(46)/79-PF.II]

का०प्रा० 2154.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पोमोना केनिंग कम्पनी, कस्तूरखंभ मिल्स एस्टेट, दादर, मुम्बई-28 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अक्टूबर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018/47/79-पी० एफ० II]

S.O. 2154.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pomona Canning Company, Kastoorchand Mills Estate, Dadar, Bombay-28, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1978.

[Nos. S. 35018(47)/79-PF. II]

का०प्रा० 2155.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एसमाको प्लास्टिक इन्डस्ट्रीज, प्लॉट नं० 272-ए, ए रोड, थाना इण्डस्ट्रियल एरिया, थाना-4 जिसके अन्तर्गत 15-17 शमशेट स्ट्रीट पोस्ट बॉक्स नं० 2339 मुम्बई-2 स्थित उसका मुख्य कार्यालय भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 नवम्बर, 1975 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018/53/77-पी० एफ० II]

S.O. 2155.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Asmaco Plastic Industries, Plot No. 272-A, A Road, Thana Industrial Area, Than-4 including its Head Office at 15—17, Shamsheet Street, Post Box No. 2339, Bombay-400002 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1975.

[No. S-35018(53)/77-PF. II]

का०प्रा० 2156.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बिजोनेस एड्स रिजेंट चैम्बर्स, पहला फ्लोर, नारीमन प्वाइंट, मुम्बई-21, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 मार्च, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018/51/79-पी० एफ० II(i)]

S.O. 2156.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Business Aids, Regent Chambers, 1st Floor, Nariman Point, Bombay-21, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1978.

[No. S-35018(51)/79-PF-II(i)]

का०प्रा० 2157.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 31 मार्च, 1978 से मैसर्स बिजोनेस एड्स, रिजेंट चैम्बर्स, पहला फ्लोर, नारीमन प्वाइंट, मुम्बई-21 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिश्चित करती है।

[सं० एस० 35018/51/79-पी० एफ० II(ii)]

S.O. 2157.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirty-first day of March, 1978 the establishment known as Messrs Business Aids, Regent Chambers, 1st Floor, Nariman Point, Bombay-21, for the purposes of the said proviso.

[No. S-35018(51)/79-PF-II(ii)]

कां० प्रा० 2158.—केन्द्रीय सरकार को यह प्रतीत होता कि मैसर्स श्री प्रभात दाल, मिलर शिवाजी नगर, जलगांव, नामक स्थापन ने सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(53)/79-पी०एफ० II]

S.O. 2158.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shri Prabhat Dall Mill, Shivajinagar, Jalgaon, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1977.

[No. S. 35018(53)/79-PF-II]

कां० प्रा० 2159.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स भी खानचन्द मुख्य सड़क, हिंगानघाट, वार्धा, नागपुर, नामक स्थापन से सम्बद्ध और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अक्टूबर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018 (5)/79-पी० एफ० II]

S.O. 2159.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Bhi Khanchand-Lakmichand, Mian Road, Hinganghat, Wardha, Nagpur, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1976.

[No. S. 35018(54)/79-PF. II]

कां० प्रा० 2160.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ग्रीन फील्ड एंजेंसीस, 31 सेक्टर एबेयू रोड, नागपुर-18 नामक स्थापन सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसम्बर, 1976 को हुई समझी जाएगी।

[सं० एम० 35018(55)/79-पी०एफ० II]

S.O. 2160.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Green Field Agencies, 31, Central Avenue Road, Nagpur-18, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1976.

[No. S. 35018(55)/79-PF-II]

कां० प्रा० 2161.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्राइमैस फैक्टरी, भंडारा एम्प्लोयज कोऑपरेटिव क्रेडिट सोसाइटी लिमिटेड, जवाहरनगर, जिला भंडारा नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1975 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(56)/79-पी०एफ० II]

S.O. 2161.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ordnance Factory Bhandara Employees Co-operative Credit Society Limited, Jawaharnagar, District Bhandara, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1975.

[No. S. 35018(56)/79-PF. II]

कां० प्रा० 2162.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नागपुर गृह निर्माण सहकारी समिति लिमिटेड, सदर बाजार, नागपुर-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसम्बर, 1975 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(57)/79-पी०एफ० II(i)]

S.O. 2162.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nagpur Girh Nirman Sahakari Samiti Limited, Sadar Bazar, Nagpur-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952),

should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of September, 1975.

[No. S. 35018(57)/79-PF. II (i)]

का० प्रा० 2163.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 सितम्बर, 1975 से मिसर्स नागपुर गृह निर्माण सहकारी समिति लिमिटेड, सदर बाजार, नागपुर-1 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एम० 35018(57)/79-पी०एफ० II(ii)]

S.O. 2163.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of September, 1975 the establishment known as Messrs. Nagpur Girh Nirman Sahakari Samiti Limited, Sadar Bazar, Nagpur-1, for the purposes of the said proviso.

[No. S. 35018(57)/79-PF. II (ii)]

का० प्रा० 2164.—केन्द्रीय सरकार को यह प्रतीत होता है कि मिसर्स कैपसुल कोऑपरेटिव सोसाइटी लिमिटेड, रेलवे स्टेशन, नागपुर, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(58)/79-पी०एफ० II]

S.O. 2164.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vendors Co-operative Society Limited, Railway Station, Nagpur, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1978.

[No. S. 35018(58)/79-PF. II]

का० प्रा० 2165.—केन्द्रीय सरकार को यह प्रतीत होता है कि मिसर्स वीपक इण्डस्ट्रियल एस्टेट, 110, जनरल सर्वेंट्स मार्केट, गांधी बाग, नागपुर-2, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 नवम्बर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(59)/79-पी०एफ० II]

S.O. 2165.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Deepak Enterprises, 110, General Merchant Market, Gandhi Bagh, Nagpur-2, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of November, 1976.

[No. S. 35018(59)/79-PF. II]

का० प्रा० 2166.—केन्द्रीय सरकार को यह प्रतीत होता है कि मिसर्स एसोसिएटेड कैपस्युल्स कनज्यूमर्स कोऑपरेटिव सोसाइटी लिमिटेड, 131, कान्दिवली इण्डस्ट्रियल एस्टेट, मुम्बई-67, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 नवम्बर, 1975 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(60)/79-पी०एफ० II(i)]

S.O. 2166.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Associated Capsules Consumers' Co-operative Society Limited, 131, Kandivli, Industrial Estate, Bombay-67, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of November, 1975.

[No. S. 35018(60)/79-PF. II(ii)]

का० प्रा० 2167.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा के 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 नवम्बर, 1975 से मिसर्स एसोसिएटेड कैपस्युल्स कनज्यूमर्स कोऑपरेटिव सोसाइटी लिमिटेड, 131, कान्दिवली इण्डस्ट्रियल एस्टेट, मुम्बई-67, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एम० 35018(60)/79-पी०एफ० II(ii)]

S.O. 2167.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of November, 1975 the establishment known as Messrs. Associated Capsules Consumers' Co-operative Society Limited, 131, Kandivli Industrial Estate, Bombay-67, for the purpose of the said proviso.

[No. S. 35018(60)/79-PF. II (ii)]

क्र० आ० 2168.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एसोसिएटेड कॉटन टेप इण्डस्ट्रीज मार्केटिंग कंपनी, पालाकोल, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(151)/78-पी०एफ० II]

हंसराज छाबड़ा, उप सचिव

S.O. 2168.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Associated Cotton Tape Industries Marketing Company, Palakol, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1976.

[No. S. 35019(151)/78-PF. II]
HANS RAJ CHHABRA, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 12 जून, 1979

क्र. आ. 2169.—आंध्र प्रदेश प्रशासनिक अधिकरण आदेश, 1975 [तारीख 19 मई, 1975 का सा. क्र. आ. 285(अ)] के पैरा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति, आंध्र प्रदेश प्रशासनिक अधिकरण के अध्यक्ष, न्यायमूर्ति श्री सी. वी. राने की, 15 जून, 1979 से 28 जून, 1979 (दोनों दिवस सम्मिलित) तक अर्जित छुट्टी के कारण अनुपस्थिति की अवधि में उक्त अधिकरण के सदस्य, श्री कर्तार सिंह को अध्यक्ष के पद के कर्तव्यों का निष्पादन करने के लिए नियुक्त करत हैं।

[एफ संख्या-21013/7/79-एस. आर.]

एच. सी. बक्षी, अवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 12th June, 1979

S.O. 2169.—In exercise of the powers conferred by paragraph 4 of the Andhra Pradesh Administrative Tribunal Order, 1975 [GSR 285(E) dated the 19th May, 1975], the President is pleased to appoint Shri Kartar Singh, a member of the Andhra Pradesh Administrative Tribunal, to perform the duties of the office of Chairman during the period of absence of Shri Justice C. V. Rane, the Chairman of the said Tribunal, on earned leave from the 15th June, 1979 to the 28th June, 1979 (both days inclusive).

[F. No. 21013/7/79-SR]

H. C. BAKSHI, Under Secy.

